City Council Introduction: **Monday**, December 19, 2005 Public Hearing: **Monday**, January 9, 2006, at **1:30** p.m.

Bill No. 05-188

## **FACTSHEET**

TITLE: CHANGE OF ZONE NO. 3413, from R-4
Residential District to R-2 Residential District,
requested by the Landon's Neighborhood Association
and Regalton Neighborhood Association, on property
generally located at North 24<sup>th</sup> and Superior Streets.

**STAFF RECOMMENDATION**: Denial

**SPONSOR**: Planning Department

**BOARD/COMMITTEE**: Planning Commission Public Hearing: 07/09/03; 08/06/03; 09/17/03; 10/29/03; 02/18/04; 05/26/04; 12/08/04; 06/08/05; an 12/07/05

Administrative Action: 12/07/05

<u>RECOMMENDATION:</u> Denial (5-3: Carroll, Esseks, Larson, Sunderman and Strand voting 'yes'; Taylor, Pearson and Carlson voting 'no'; Krieser absent).

- 1. This is a downzone request submitted by Carol Brown on behalf of Landon's Neighborhood Association and Regalton Neighborhood (p.23-24) due to the burden of traffic in the area and to protect the neighborhoods from the development of anything other than the assisted living facility and elderly retirement housing to which the neighborhoods agreed when the zoning was changed from R-2 to R-4.
- The staff recommendation to deny the change of zone request is based upon the "Analysis" as set forth on 4-6, concluding that the request is not in conformance with the Comprehensive Plan, is not an appropriate transition from the surrounding zoning and does not make efficient use of the existing infrastructure. Reducing approved residential zoning essentially contributes to sprawl by reducing density in an area that is appropriate for an increased number of units as allowed by the existing zoning. In addition, multi-family development can only be approved by the City Council through a Community Unit Plan, and the last such request was denied by the City Council on July 9, 2003.
- 3. The testimony in support at the original public hearing on July 9, 2003, is found on p.8-10, and the record consists of 12 communications in support and a petition in support bearing 24 signatures (p.46-67).
- 4. Testimony in opposition at the original public hearing is found on p.10-11, and the record consists of one letter in opposition (p.68), and a letter submitted by the property owner/developer dated August 8, 2003 (p.69-70).
- 5. The applicant requested a delay at the original public hearing in order to meet and communicate with the owner/developer, and this application has continued to be delayed at the request of the applicant since July 9, 2003 (See Minutes, p.12-16, and See p.40-45).
- 6. The owner/developer came forward to testify on December 8, 2004, to request that this change of zone be denied (See Minutes, p.15-16).
- 7. On December 7, 2005, Carol Brown requested an additional six-month delay (See Minutes, p.16-18).
- 8. The communication from the Director of Planning urging the Commission to make a recommendation to the City Council is found on p.39.
- 9. On December 7, 2005, a motion to defer for six months failed 3-5 (Taylor, Pearson and Carlson voting 'yes'; Carroll, Esseks, Larson, Sunderman and Strand voting 'no'; Krieser absent). See Minutes, p.18.
- 10. On December 7, 2005, the majority of the Planning Commission agreed with the staff recommendation and voted 5-3 to recommend denial and move this application forward to the City Council (Carroll, Esseks, Larson, Sunderman and Strand voting 'yes'; Taylor, Pearson and Carlson voting 'no'; Krieser absent). See Minutes, p.18-19).

FACTSHEET PREPARED BY: Jean L. Walker REVIEWED BY: REFERENCE NUMBER: FS\CC\2005\CZ.3413

**DATE**: December 13, 2005 **DATE**: December 13, 2005

#### LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

# for December 7, 2005 PLANNING COMMISSION MEETING \*\*Revised: 12/08/05\*\*

P.A.S.: Change of Zone #3413

**PROPOSAL:** From R-4, Residential to R-2 Residential.

**LOCATION:** Approximately N. 24<sup>th</sup> and Superior Streets.

**LAND AREA:** 5.5 acres, more or less.

**CONCLUSION:** The request to downzone this property is not in conformance with the Comprehensive Plan, is not an appropriate transition from the surrounding zoning and does not make efficient use of the existing infrastructure. Reducing approved residential zoning essentially contributes to sprawl by reducing density in an area that is appropriate for an increased number of units as allowed by the existing zoning.

## RECOMMENDATION: Denial

#### **GENERAL INFORMATION:**

**LEGAL DESCRIPTION:** Lot 1, Block 1, Northview 4<sup>th</sup> Addition and the vacated Timothy Court, all

located in Section 12, T10N, R6E.

**EXISTING ZONING:** R-4, Residential

**EXISTING LAND USE:** Undeveloped

#### SURROUNDING LAND USE AND ZONING:

North: Bank O-3, Office Park South: Residential R-3, Residential East: Commercial I-1, Industrial

West: Office, public school, residential O-3, R-3, R-2, Residential

#### **COMPREHENSIVE PLAN SPECIFICATIONS:**

#### **Future Conditions of Community Form**

"Maximize the community's present infrastructure investment by planning for residential and commercial development in areas with available capacity. This can be accomplished in many ways including encouraging appropriate new development on unused land in older neighborhoods, and encouraging a greater amount of commercial space per acre and more dwelling units per acre in new neighborhoods" (F 17).

"Affordable housing should be distributed throughout the region to be near job opportunities and to provide housing choices within every neighborhood. Encourage different housing types and choices, including affordable housing, throughout each neighborhood for an increasingly diverse population" (F-18).

"Encourage mixed-use redevelopment, adaptive reuse, and in-fill development including residential, commercial and retail uses. These uses may develop along transit routes and provide residential opportunities for persons who do not want to or cannot drive an automobile. Promote residential development, economic development and employment opportunities throughout the City" (F-18).

"Encourage different housing types and choices, including affordable housing, throughout each neighborhood for an increasingly diverse population" (F-18).

"Construction and renovation within the existing urban area should be compatible with the character of the surrounding neighborhood" (F 18).

"Mixed-use centers, with higher residential and commercial densities, should provide for transit stops — permitting public transit to become a viable alternative to the automobile" (F-19).

This area is shown as Urban Residential on the Land Use Plan (F-25). Urban Residential is defined as "Multi-family and single family residential, uses in areas with varying densities ranging from more than fifteen dwelling units per acre to less than one dwelling per acre" (F-27).

#### **Future Conditions of Residential**

"Affordable housing should be distributed throughout the region to be near job opportunities and to provide housing choices within every neighborhood. Preserve existing affordable housing and promote the creation of new affordable housing throughout the community" (F-65).

"Sidewalks should be provided on both sides of all streets, or in alternative locations as allowed through design standards or the Community Unit Plan process" (F 66).

"Interconnected networks of streets, trails and sidewalks should be designed to encourage walking and bicycling and provide multiple connections within and between neighborhoods" (F 66).

"Multi-family and elderly housing nearest to commercial area" (F-67). Encourage a mix of housing types, single family, townhomes, apartments, elderly housing all within one area (F-67).

"Similar housing types face each other...change to different use at rear of lot" (F 67).

There are notable differences between elderly housing and traditional multiple-family residential developments. Typically, elderly housing will have fewer occupants per unit and will generate less traffic than housing built for the general marketplace. Thus, a location that is deemed appropriate for elderly housing may not be deemed appropriate for other types of higher-density housing such as multiple-family or town homes (F-72).

#### **HISTORY:**

Special Permit #2014, Northview Villa's Community Unit Plan, for 61 dwelling units was denied by City Council on **July 7**, **2003**.

Special Permit #1821 for a childcare facility, Special Permit #1820 for 128 Elderly Housing and 60 person domiciliary care facility, Change of Zone #3231 from R-3 to R-4, Special Permit #1781 for Northview 1<sup>st</sup> Community Unit Plan to amend the CUP to replace 14 attached single-family dwelling units with one lot for elderly housing and Northview 1<sup>st</sup> Preliminary Plat #99017 were approved by the City Council on **February 22, 2000.** 

Northview Preliminary Plat #96021, Combined Special Permit/Use Permit#12 for the office park were approved by the City Council on **March 3, 1997**.

Change of Zone #3025 from R-3 to O-3 (north of this site) was approved by the City Council on **January 21, 1997**.

Northview Preliminary Plat #94028 and Change of Zone #2906 from R-3, Residential to O-3 Office Park (north of this site) was approved by the City Council on **August 7**, **1995**.

City Council approved Change of Zone #1755 from R-2 to R-3 in January 1980.

Zoned A-2, Single Family until it was converted to R-2, Residential during the **1979** zoning update.

#### HISTORY OF OTHER RESIDENTIAL DOWNZONING

Change of Zone #3412 from R-4, Residential to R-2, Residential within the existing Antelope Park Neighborhood was submitted to the Planning Department and will be considered by the Planning Commission and City Council in the near future. (The applicant requests to hold the application until a petition is done)

Change of Zone #3397 from R-4, Residential to R-2, Residential within the existing Near South Neighborhood in landmark district was approved by the City Council on **April 14, 2003**.

Change of Zone #3378 from R-5 and R-6, Residential to R-2, Residential within the existing Mount Emerald Neighborhood to preserve landmark districts was approved by the City Council on **October 28, 2002**.

Change of Zone #3354 from R-4, Residential to R-2, Residential within the existing Antelope Park Neighborhood was approved by City Council on **February 25, 2002**. Staff recommended denial because it would cause 35% of the lots to become non-standard and because the R-4 district allowed a diversity of housing stock.

**TRAFFIC ANALYSIS:** Superior Street is classified as an Urban Principal Arterial. All other streets are classified as local streets (F-103). The City Traffic Engineer indicated that the function of the intersection (N. 24<sup>th</sup> and Superior) is normal and does not see a traffic related need to down-zone the property. Their comments are attached.

**ALTERNATIVE USES:** Retain the current zoning and the approved special permit (1820) for elderly housing and domiciliary care facilities. Any deviation from the approved special permit requires an amendment to the special permit, any different permitted, special or conditional use will require a new preliminary plat for the area. The area was previously preliminary platted as one lot.

#### **ANALYSIS:**

1. This is a request to change the current zoning from R-4, Residential to R-2, Residential. This request is brought forward by the adjacent neighborhood association, Landon's and Regalton Neighborhood Association, without the support of the landowner, Regal Building Systems, Inc.

- 2. The applicant states that they request the zoning change because of the traffic burden in the area and because the property owner requested to change the approved special permit for elderly housing/domiciliary care to allow multifamily housing.
- 3. When Special Permit #1820 was approved the request to change the zoning was to allow the applicant to increase the number of elderly dwelling units. The height was also increased for the buildings on the site from 35' to 43'. Landon's Neighborhood Association submitted a letter of support (attached) indicating that their support was contingent on the road connection between Old Dairy Road and Dodge Street to be paved before further construction is completed. This contingency has been met. The approved site plan is attached.
- 4. By approving the change of zoning to R-4 the impact of multifamily structures with height exceptions was assessed and determined to be appropriate on February 22, 2000 when the change of zone was approved. Additionally a certain level of traffic was determined acceptable. Special Permit #2014 for 61 dwelling units was determined by the Planning and Public Works & Utilities Departments to be appropriate development in this location.
- 5. The uses allowed in the R-4 and R-2 district are substantially similar, however, the area required for each lot is different. The maximum density of R-2 versus R-4 is approximately half. For example, on this site approximately 25 two-family units are permitted with the R-2 district, whereas approximately 45 are permitted with the R-4 district. Area requirements are illustrated below.

	R-2	R-4
Lot area, single family	6,000 sq. ft.	5,000 sq. ft.
Lot area, two family	5,000 sq. ft. per unit	2,500 sq. ft. per unit
Avg. lot width, single family	50 feet	50 feet
Avg. lot width, two family	40 feet per unit	25 feet per unit
Front yard	25 feet	25 feet
Side yard, single family	5 feet	5 feet
Side yard, two family	10 feet (0 feet at common wall)	5 feet (0 feet at common wall)
Rear yard	Smaller of 30 feet or 20% of depth	Smaller of 30 feet or 20% of depth

6. The Comprehensive Plan encourages efficient use of existing infrastructure. All adjacent transportation routes are paved to the full extent of their functional classification, although the applicant indicates traffic issues in the area. The position of the City Traffic Engineer is that the existing Superior Street functions reasonably well. He further indicated that based on the amount of traffic on Superior Street, an additional traffic signal is not warranted until certain conditions are met (see attached memo). The Public Works & Utilities Department is considering restriping Dodge Street with three lanes at Superior which will reduce congestion during peak hours. The Police Department provided accident information for Superior Street

as well as a listing of the top accident intersections in the City. Their information indicated that, comparatively, this intersection (N. 24<sup>th</sup> and Superior Streets) does not have a high number of accidents.

- 7. The City Traffic Engineer indicated that there is no traffic related need to down zone this property. He indicated that the traffic generation under three scenarios (indicated in his memo) does not significantly impact the function of the intersection (see attached memo.
- 11. Reducing the density in the city effectively increases the need for more units in another location, namely on the edge of the city. Reducing allowed units within the city contributes to sprawl on the edge of the city, and increases the burden for all taxpayers by creating a need to fund additional infrastructure. Allowing the R4 zoning to remain at this location allows a greater amount of housing demand to be met by infill development.
- 12. The Comprehensive Planencourages a transition of uses from office/commercial to multifamily, from multifamily to two-family, and from two-family to single family. The area of R4 zoning offers the opportunity to transition the uses appropriately. The Comprehensive Plan illustration of how this should be accomplished is attached.
- 13. The Comprehensive Plan indicates general land uses but not specific districts. This area, for example, is identified as Urban Residential. Urban Residential is identified as "multifamily and single family residential uses in areas with varying densities ranging from more than fifteen dwelling units per acre to less than one dwelling per acre" (F-27).
- 14. The R-2 district has been utilized recently to preserve the density and character of existing neighborhoods. It is important to note that the requests for downzoning in existing neighborhoods were brought forward and supported by a majority of the landowners within the boundary of the request, which is not the case with this application.
- 15. The R-4 zoning is appropriate in this location. Multifamily and elderly housing are both appropriate in this location.
- 16. If the zoning is changed the existing special permit (#1820) for elderly housing and domiciliary care would be nullified because the allowed number of units was based on R4 zoning.
- 17. When the special permit was approved the elderly housing received bonuses which allowed more units, but still had an overall traffic generation near the proposed multifamily use. The elderly housing were larger and taller multifamily structures. The review of the special permit determined that the type of structures were appropriate and the traffic generation was acceptable. The R-4 district will not exceed that with its permitted uses, and special permitted uses can be regulated through the special permit to maintain levels of traffic that can be handled by the existing road system.

Prepared by:

Tom Cajka Planner

**DATE:** June 23, 2003

**APPLICANT:** Landon's Neighborhood Association

Regalton Neighborhood Association

**OWNER:** Regal Building Systems, Inc.

2610 Park Boulevard Lincoln, NE 68502 (402)435-3550

**CONTACT:** Carol Brown

2201 Elba Cir. (402)435-8932

## **CHANGE OF ZONE NO. 3413**

#### **PUBLIC HEARING BEFORE PLANNING COMMISSION:**

July 9, 2003

Members present: Carlson, Duvall, Larson, Krieser, Bills-Strand, Taylor and Steward; Schwinn absent.

Staff recommendation: Denial.

Ex Parte Communications: None.

Becky Horner of Planning staff submitted four letters in support.

### **Proponents**

**1. Carol Brown** presented the application on behalf of the Landon's Neighborhood Association, which neighborhood has a household population of 290. She displayed pictures of the neighborhood showing the traffic difficulties at 21<sup>st</sup> & Superior; the entrance to Campbell School on Superior Street; Dodge Street showing double parking, illegal parking and stopping in the middle of the street to pick up the school children; illegal parking in the Regalton neighborhood with cars hanging over the driveways; Dodge Street and the 23<sup>rd</sup> Street crossing.

Brown stated that the Landon's Neighborhood Association has a long history with this plan. It was agreed in the year 2000 that this parcel was to be an assisted living center and thus the reason Landon's did not oppose the R-4 zoning. Now, everything has changed—the assisted living center will not be built and they have been told there is no market for the day care. Brown urged that this neighborhood has been awaiting this day care center for years. Landon's and Regalton believe there is a need to protect this neighborhood from deterioration of quality of life. They have been battling increased traffic through their neighborhoods, with problems getting out onto the major arterials. These traffic issues have put a terrible strain on the quality of life in the neighborhood. This area was at one time the "quiet suburbs" with a tranquility and serenity that smaller neighborhoods should have.

Brown further observed that all the neighborhood has heard is that the plans submitted are all in conformance with the Comprehensive Plan. Is there not protection in the Comprehensive Plan that shields existing neighborhoods from encroachment of higher and more intensive development? Even the City Council agrees that there is a traffic problem in this neighborhood. Why do we have to add to those traffic problems? Is density so good surrounding a school? Density is not good when it revolves around the automobile.

Brown then discussed the traffic numbers. The volumes on Superior Street are reaching 30,000 vehicles a day; 27<sup>th</sup> Street is at 30,188 vehicles a day; Fairfield Street is used by many and is at the volume of 4,521 vehicles per day (Fairfield is the street that this neighborhood has to take to get to the new library on 14<sup>th</sup> & Superior). The traffic problems are spilling over into another neighborhood.

Brown indicated that the neighborhoods would like to work with Regal. They have had two meetings with Regal but never once were there any concessions. If there was not a call for the elderly community

why would Autumnwood be growing so rapidly? There is also the need for an Alzheimer facility. The R-4 density is not a benefit to this neighborhood.

Brown further pointed out that Traffic Engineering stated at the City Council meeting that the apartments that had been proposed would generate approximately 500 trips a day, and she believes that is a conservative estimate. This is such a small neighborhood and 500 trips would severely impact the residents. It is detrimental to the health and welfare of the residents and the children that go to Campbell. R-2 would fit the structure by allowing single family homes or approximately 25 duplex units. The neighborhood associations want this property to be developed. But they want a good plan, and they thought they had a good plan. Brown distributed copies of the site plan that the neighborhood had agreed upon. "Now the rug is pulled out from underneath us."

2. Sheila Damon, 2435 Dodge Street, testified in support on behalf of the Regalton neighborhood. She confirmed the challenges that residents face with the city's Comprehensive Plan for high density residential neighborhoods. She displayed the existing layout of the neighborhood, showing that there is very little legal street parking, with just 25 on-street parking spaces. There is no allowance for street parking because of the density of the townhomes. When finished, the area will have 122 townhomes, increased from 94 units approved in the year 2000. She suggested a conservative estimate of 122 units generating 255 cars. At present, the neighborhood has 10 rentals and more are advertised for rent. Thus, she believes that 255 cars is a very conservative estimate. Renters always generate more cars. This area has only been allotted 25 parking spaces and no parking cutouts. In regard to adequate parking, Regal Building argues that, "....each lot will facilitate four cars off-street (2 in the garage and 2 in the driveway). The street is a public street and Regal does not control the street." What does that mean? Parking is occurring illegally at this time.

Damon advised that she has researched other neighborhood developments with townhomes, one with 30 units and 23 on-street parking spaces, plus a parking lot for 10 vehicles. None of these developments have the added pressure of having a school, yet they have far more parking available to the residents. The neighbors are concerned about the children walking to and from school with the traffic congestion and parking problems.

Damon urged that a parking lot needs to be added to the development. As a neighborhood group, Regalton proposed that the developer use the lot marked in yellow on the map. If no more parking is made available, what are the options? Changing the proposal from the year 2000 that recommended 94 units which was increased to 122 units has adversely affected this area. That is why she is supporting this downzone request.

**3. Chris Gress**, 2031 Hedge Apple Court, testified in support. He has lived in north Lincoln for almost 20 years and owns property in Regalton. Many years ago, he moved into a home on No. 25<sup>th</sup> Street and there was a cornfield in their back yard. A developer came and showed plans for the property behind their house. He had spent time with all of the neighbors. He had no concern with the one-story business buildings. Regal Building Systems seems to operate in a different way. They agreed to meet with some of the Landon's neighbors but requested not to invite the Regalton residents. The purpose for the exclusion was to keep the meeting small. Regal treated local residents as if they did not have a right to be at the meeting. Gress purchased rental property in Regalton because there was to be an assisted living facility next to them. Regal now says they do not see a need for assisted living which would include an Alzheimer unit. There are no Alzheimer units available in Lincoln and his wife's father

had to be sent to Crete. The residents agreed years ago to the previous plan and the change to R-4 because the nearby residents wanted a day care and agreed with the assisted living facility plan. That plan has not come to life. Therefore, Gress believes that if there is no day care and no assisted living developed, the land should revert back to R-2 single family. He owns several rental properties in the Regalton neighborhood. He has a difficult time finding parking to stop and talk with his tenants, and his tenants complain about inadequate parking and the school traffic. The combination of the increased traffic flow, the Campbell school traffic and overflow from Superior and 27<sup>th</sup> has already begun to cause traffic problems. Gress understands that the Planning Commission has marching orders for higher residential density; however, density can be secondary if the density will adversely affect the area. He believes the density will have an adverse effect.

#### **Opposition**

1. Marty Fortney, 2610 Park Blvd., Regal Building Systems, testified in opposition. In terms of communication, he stated that he initiated three meetings over the last three months: 1) with Regalton Association, 2) with Landon's and Regalton at Mrs. Brown's house, and 3) he sent a letter to all Regalton Association members to reclarify what they discussed. He believes there were 14-15 people at the meeting. He has had several meetings with individual neighbors, including Mr. Gress. With regard to the Alzheimer issue, he never said they were not needed. In fact, a summary done by an independent firm in Minnesota found that there is a need for 100 beds for Alzheimers in the year 2004 for the area north of O Street. He does own and operate an assisted living facility in Lincoln and he has talked with other administrators. Alzheimers is a "need" basis.

Fortney requested that the Commission not support this change of zone. He is concerned about the density issue and the use of the property.

2. Mark Hunzeker testified on behalf of Regal Building Systems. The staff report does an excellent job of analyzing this change of zone. It says very clearly that the Comprehensive Plan does not support a downzoning of this property. The Comprehensive Plan encourages mixed use neighborhoods and encourages transitions from commercial/office/industrial areas to single family areas, as this project would, if built. This is an appropriate location for R-4 zoning. However, the present time is not an economical time to go forward with a project of elderly and assisted living, but that does not necessarily mean that it will never occur. The fact that the City Council denied the change that was proposed did not repeal the special permit that is in place. There is at this time a special permit for the elderly and assisted living in place. Regal bought this property with that in place. They have a fairly significant investment based upon the existing zoning and a legitimate expectation of development under that zoning. The proposed plan for condominiums is not moving forward based on the City Council action. Hunzeker did point out, however, that Public Works has demonstrated very clearly that there is no traffic reason for downzoning this property. The traffic here is somewhat congested at peak hours, but if you go to any other arterial street in Lincoln, you'll find difficulty getting onto arterial streets from side streets at stop signs, and that is simply a fact of life. In fact, the traffic conditions around this school are much better than many of us have had to deal with in going to other schools. Hunzeker suggested that the traffic situation has been exaggerated.

Hunzeker also pointed out that he believes this to be spot zoning. This application would seek out the downzoning of this particular property to the detriment of this owner, presumably for some benefit ill-defined for others who are proposing it. It is reverse spot zoning.

In addition, Hunzeker suggested that the broader policy issue is: What kind of signal are you about to send to people who invest in property in Lincoln? If you downzone this property, the signal that is unmistakable is that if you own property here and you want to develop, don't ever plan anything beyond what you know you can build in the next year or two, because if there is a change in the market, the homeowners may come in and just downzone your project because you are changing it. Hunzeker urged that a developer cannot do a long term project and not expect to have some changes. If this change of zone is approved, Hunzeker strongly believes that there will be no more master planning of large projects. People won't want to do that. They will bring in small pieces at a time.

Furthermore, Hunzeker advised that the Regalton Association is not an applicant for this change of zone. The Regalton Association officers and directors are all owners of Regal Building Systems and they did not authorize or sign an application to downzone this property.

### Staff questions

Steward noted the hypothetical neighborhood image included in the staff report as an example to back up part of the analysis which suggests that in this particular case it is not only the proposed uses, but it's also the proposed design that could or could not make a difference in a high density situation. Becky Horner responded, stating that the Comprehensive Plan lays out several principles for new neighborhoods such as this and a series of transitional uses. The image provided was to get an idea of how that might occur. Steward believes it is valid information in that direction because it seems that time after time the biggest debate in this forum is over the "edge" conditions between different uses, and time after time we find little or no sensitivity between one edge and the next adjacent use and how they should respect each other. He appreciated having this image provided.

Steward inquired whether there has been any additional traffic information provided since this proposal came forward. Is staff comfortable with the information about traffic? Horner stated that the traffic information was provided by the City Traffic Engineer and one additional piece was provided to the Council on the other application on Monday with respect to real traffic counts for Superior Street at this location, comparing it to other arterial situations near schools.

#### Response by the Applicant

Brown reminded the Commission that Mark Hunzeker does not live in this neighborhood. The traffic counts submitted at the Council were not around schools. She acknowledged that the application for this change of zone is by the Landon's Neighborhood Association and the "Regalton residents". She has not done this before so she may not have used the terms properly. There was a petition signed by the Regalton residents. She recited some additional traffic volumes: 21st Street coming out of Landon's - 24 hour volume of 951 in 1997; Old Dairy Road - 24 hour volume of 1,222 eastbound (28 vehicles eastbound from 8:00-9:00 a.m. and 71 eastbound from 3:00-4:00 p.m.).

Brown then requested a delay. She wants to meet with Regal Builders and the city staff to find a good fit for this project--she does not want to close the doors. She wants Regal to address the concerns of the neighborhood and wants to work closely with the city.

Carlson suggested that one option would be to put it on pending. Brown does not want anything happening until they can figure out what is best for this area.

Larson suggested that if the application is placed on pending, it is under the control of the applicant. Brown does not want to accrue any more expense.

Rick Peo of City Law Department stated that it would be preferable to defer to a date certain so that readvertising and letter notification is not required. Carlson pointed out that putting this on pending would not prevent the developer from going forward with the previously approved plan. Steward suggested that putting it on pending and leaving the decision for taking it off pending in the hands of the applicant is not necessarily equitable when there are two parties with different interests. He agrees that a date certain would seem more appropriate.

Bills-Strand moved to defer for four weeks, with continued public hearing and administrative action scheduled for August 6, 2003, seconded by Taylor, and carried 6-1: Carlson, Duvall, Krieser, Bills-Strand, Taylor and Steward voting 'yes'; Larson voting 'no'; Schwinn absent.

#### CONT'D PUBLIC HEARING BEFORE PLANNING COMMISSION:

August 20, 2003

Members present: Bills-Strand, Larson, Duvall, Carlson, Krieser, Taylor, Marvin, Steward and Schwinn.

Staff recommendation: Denial.

Ex Parte Communications: Taylor reported that he had received two telephone calls.

The Clerk announced that the applicant had previously submitted a written request for deferral until August 20, 2003.

#### <u>Proponents</u>

1. Carol Brown testified on behalf of the applicants and expressed appreciation to the Commission for previous deferrals. She revised her request to deferral from August 20, 2003, to September 17, 2003. The neighborhoods have met with Marty Fortney twice. They continue to work towards a resolution and she is hopeful that they will reach an agreement by the middle of September.

Larson moved to defer, with continued public hearing and administrative action scheduled for September 17, 2003, seconded by Carlson and carried 9-0: Bills-Strand, Larson, Duvall, Carlson, Krieser, Taylor, Marvin, Steward and Schwinn voting 'yes'.

#### CONT'D PUBLIC HEARING BEFORE PLANNING COMMISSION:

September 17, 2003

Members present: Larson, Bills-Strand, Carlson, Krieser, Duvall, Marvin, Taylor and Steward.

Staff recommendation: Denial.

Ex Parte Communications: None.

The Clerk announced that the applicant has submitted a written request for deferral until October 29, 2003.

There was no public testimony.

Bills-Strand moved to defer, with continued public hearing and administrative action scheduled for October 29, 2003, seconded by Larson and carried 8-0: Larson, Bills-Strand, Carlson, Krieser, Duvall, Marvin, Taylor and Steward voting 'yes'.

#### CONT'D PUBLIC HEARING BEFORE PLANNING COMMISSION:

October 29, 2003

Members present: Taylor, Duvall, Carlson, Larson, Marvin and Steward; Krieser and Bills-Strand absent.

Staff recommendation: Denial.

## **Proponents**

**1. Carol Brown** appeared on behalf of the Landon's Neighborhood Association, one of the applicants, and requested deferral until February 18, 2004. They will be meeting with the owner/developer in the next couple of weeks again to talk about what would fit into this area.

Carlson moved to defer until February 18, 2004, seconded by Taylor and carried 6-0: Taylor, Marvin, Duvall, Carlson, Larson and Steward voting 'yes'; Krieser and Bills-Strand absent.

#### CONT'D PUBLIC HEARING BEFORE PLANNING COMMISSION:

February 18, 2004

Members present: Pearson, Krieser, Carroll, Sunderman, Carlson, Marvin, Taylor and Bills-Strand; Larson absent.

Staff recommendation: Denial.

Ex Parte Communications: None.

The Clerk announced that the applicant has made written request for additional deferral until May 26, 2004.

#### **Proponents**

**1. Carol Brown** appeared on behalf of the applicants and stated that the applicants continue to work with Mr. Fortney on a project that is acceptable to the neighborhood and that is why they have requested deferral to May 26, 2004.

There was no other testimony.

Marvin moved to defer, with continued public hearing and administrative action scheduled for May 26, 2004, seconded by Pearson and carried 8-0: Pearson, Krieser, Carroll, Sunderman, Carlson, Marvin, Taylor and Bills-Strand voting 'yes'; Larson absent.

#### **CONT'D PUBLIC HEARING BEFORE PLANNING COMMISSION:**

May 26, 2004

Members present: Marvin, Krieser, Carlson, Larson, Sunderman, Pearson, Carroll (absent during vote) and Bills-Strand; Taylor absent.

Staff recommendation: Denial.

Ex Parte Communications: Marvin indicated that he had spoken with Carol Brown earlier today.

Ray Hill of Planning staff submitted an email from Carol Brown requesting deferral until December 8, 2004.

## **Proponents**

**1. Carol Brown,** 2201 Elba Circle, appeared on behalf of the Landon's Neighborhood and the Regalton residents. The ideas for this area have bounced around. Mr. Fortney has been out of town for a long time finishing up another project. They hope to have something in the next six months.

She again referred to the creek that abuts this property which was previously discussed today. It is overgrown with brush, mulberry trees and trash. This creek is so overgrown that it also generates a lot of skunks, opossums, and other critters. These critters come into the Landon's and Regalton neighborhoods and the neighbors walking at night come upon skunks in the neighborhood. This creek needs some attention. Some of it is developed and some of it is not. It is going to be a potential flooding problem. She encouraged that the city take a look at this creek.

Larson moved to defer, with continued public hearing and administrative action on December 8, 2004, seconded by Krieser and carried 7-0: Marvin, Krieser, Carlson, Larson, Sunderman, Pearson, and Bills-Strand voting 'yes'; Carroll and Taylor absent.

#### CONT'D PUBLIC HEARING BEFORE PLANNING COMMISSION:

December 8, 2004

Members present: Carlson, Carroll, Krieser, Sunderman, Marvin, Taylor, Larson and Bills-Strand; Pearson absent.

Staff recommendation: Denial.

Ex Parte Communications: None.

The clerk announced that Carol Brown has submitted a written request for an additional six-month deferral.

Marvin moved to defer, with continued public hearing and action scheduled for June 8, 2005, seconded by Carroll and carried 8-0: Carlson, Carroll, Krieser, Sunderman, Marvin, Taylor, Larson and Bills-Strand voting 'yes'; Pearson absent.

The applicant was not present.

#### **Opposition**

**1. Marty Fortney** of Regal Building Systems, 1901 S.W. 5<sup>th</sup> Street, is opposed to keeping this change of zone on pending as he sees no benefit in it. He has had 14 communications with the applicants over a six month period, and five meetings along with staff and City Council. He questions the value of keeping this on the agenda.

There are 6.1 acres in question, currently zoned R-4, and he has a special permit for 188 senior housing units, which he believes he should be able to finish up in a couple of years. The price started at \$104,950 a couple years ago and has escalated. The reason for this downzone is to take the 188 units of senior housing to 54 units of townhomes/condos, with a price range between \$99,000 and \$125,000. That plan was denied by this body. In the series of meetings in the last 12 months, they have come up with an office layout that the neighborhoods would be excited about with 45,000 sq. ft. of office space. The biggest complaint he continues to receive is the need for the street light at 24<sup>th</sup> and Superior. He compromised with the neighbors and looked at doing half of the condo and half of the townhouses. The biggest problem was that it was not aid-restricted and the neighbors did not like affordable housing. He is not opposed to doing aid-restricted housing. He did suggest to the neighbors that he would simply wait and table anything until market conditions improve. He does not believe the market will carry the senior housing. He believes this downzone should be voted on and not remain on pending. The downzoning is not a mechanism that fosters good neighborhood planning. Downzoning should be for a piece of property that severely negative affects adjacent homeowners. He believes that the developer and neighborhood have come together and agreed on some things, but it is the general economic condition that makes it impossible at this time. If he was gong to make an additional change in the future, he would have to go back through the due process, and that is why he questions the value of the downzone.

Carlson suggested that if Fortney is close to reaching agreement on a plan and he is going to need a zone change, maybe he should bring his zone change forward in the interim. Fortney does not want to put himself in a position without having a true crystal ball dictating what the conditions are going to be. That's why he is waiting. He does not want to be in an offensive position with the neighborhoods two or three years from now. In terms of a general use, he believes O-3 would be an excellent use; however, the neighborhood group expressed that they would want certain restrictions with an O-3 zoning that would allow multi-family.

Fortney stated that he continues to work with Carol Brown and the neighbors. When he has a plan that he thinks is going to work, he will certainly bring it forward.

Bills-Strand moved to reconsider the six-month deferral, seconded by Larson.

Bills-Strand noted that the owner is not the applicant on this change of zone request. She believes the owner and neighborhood are working well together and maybe this should not be deferred for six months.

Carlson believes that possibly a four-week deferral would be more appropriate to allow the applicant and the neighbors to come forward and speak.

Motion to reconsider the six-month deferral failed 3-5: Krieser, Larson and Bills-Strand voting 'yes'; Carlson, Carroll, Sunderman, Marvin and Taylor voting 'no'; Pearson absent.

This application will be scheduled for continued public hearing and action on June 8, 2005.

#### CONT'D PUBLIC HEARING BEFORE PLANNING COMMISSION:

June 8, 2005

Members present: Taylor, Pearson, Sunderman, Carroll, Krieser and Carlson; Larson, Bills-Strand and Esseks absent.

Staff recommendation: Denial.

Ex Parte Communications: None.

#### **Proponents**

1. Carol Brown, 2201 Elba Circle, appeared on behalf of the applicant, Landons Neighborhood Association, and requested another six-month deferral. The neighborhood association has not been in touch with the developer/owner for over a year and they are anxious to see the planning in that area because now there is a day care center, which was supposed to be part of the developer/owner's plan.

Carroll moved to defer six months, with continued public hearing and action on December 7, 2005, seconded by Pearson and carried 6-0: Taylor, Pearson, Krieser, Sunderman, Carroll and Carlson voting 'yes'; Larson, Bills-Strand and Esseks absent.

#### CONT'D PUBLIC HEARING BEFORE PLANNING COMMISSION:

December 7, 2005

Members present: Carroll, Esseks, Larson, Sunderman, Strand, Taylor, Pearson and Carlson; Krieser absent.

Staff recommendation: Denial.

Ex Parte Communications: None.

#### **Proponents**

1. Carol Brown, 2201 Elba Circle, appeared on behalf of Landon's Neighborhood Association, the applicant, and requested an additional six-month delay. The neighborhood has not heard back from the builder in this area. There has been development occurring in this area, including a new day care which was on the initial plan that was proposed for this area, and which was said couldn't happen. But they have constructed a wonderful day care near the elementary school. There is a lot of traffic on this street.

The past history on this property was that it was going to be a condominium, apartment-type complex. That is why the neighborhood association requested the downzone—in order to go back to more of a plan that would be the townhomes that are presently there or assisted living. The builder has not gotten back to the neighborhood as to what he proposes to do with this area. The neighborhood is interested in keeping the communication lines open. The last time the neighborhood heard from the developer was 8-12 months ago, when he talked about a small business park, and Landon's was going to support the zoning for small businesses. Brown reiterated her request for another six-month delay to meet with the builder. The neighborhood does not want to see any high density housing in this area and that is why they want to keep this downzone request on pending.

Carroll inquired as to whether Brown thinks another six months will allow them to get a response from the developer. Brown stated that she is "hopeful".

Carroll then suggested that the neighborhood could withdraw the change of zone request until they have discussions with the property owner. Brown's response was that the neighborhood cannot afford to pay another filing fee. That is why they do not want to withdraw at this time.

Carroll posed the question as to whether Brown thinks it is fair to keep a cloud hovering over this landowner. Shouldn't we set a date to vote on it? How long do you hold that cloud over him? Carol reiterated that the neighborhood is very, very scared that there will be an apartment complex attempting to weasel its way in. The neighborhood supported the condominiums to the west of Baymont Inn, which do not have direct access into the Landon's neighborhood. That was one of the restrictions requested by the neighborhood. There are a lot of traffic problems and a lot of children walking in the neighborhood. The residents believe this downzone request is the way to watch out for what happens to the area. They do not want an apartment complex.

Tom Cajka of Planning staff clarified that multi-family is not a permitted use in the R-4 zoning district. The only way it would be permitted would be through a special permit for a community unit plan. Thus, it would have to come back through the public hearing process before the Planning Commission. The property in question is currently one large lot. If they wanted to do any type of residential, even if single family, there would need to be a preliminary plat or community unit plan that would have to be first approved by the Planning Commission.

Esseks inquired as to the most density that could go in under R-4 zoning. Cajka referred to the table on page 56 of the agenda. Detached single family would be allowed at 5,000 sq. ft. per unit, and two-family would be 2,500 sq. ft. per unit. The density for a community unit plan would be 13.9 units per acre in R-4 zoning. Anything above two units would need the community unit plan special permit. The duplex of 2,500 sq. ft. would be based on the lot area.

Carlson pointed out that there is already an existing approved special permit on this property. Cajka advised that the property has an approved Special Permit No. 1821 for child care and Special Permit No. 1820 for elderly housing, domiciliary care. The amendment to Special Permit No. 1781, the Northview 1<sup>st</sup> Community Unit Plan, allows the elderly housing. After that, Special Permit No. 2014, which proposed to get rid of the elderly housing and put in multi-family in five different buildings, was denied by the City Council. Thus, it is not raw R-4 ground.

There was no testimony in opposition.

#### **ACTION BY PLANNING COMMISSION:**

December 7, 2005

Taylor moved to place on pending for six months, seconded by Pearson.

Strand stated that she will vote against the motion. This request has been on the Planning Commission agenda for 2.5 years. It is not the property owner making the request. She agrees with the staff recommendation.

Carroll agreed with Strand. If the landowner is going to come forward to do something different, the neighborhood association will have a great opportunity at that time to come forward. He does not think the landowner is going to respond to the neighborhood association. This pushes it forward and if the owner decides to do something, the neighborhood association can come forward at that time.

Pearson disagreed. She has no specific knowledge that the developer will not listen to the neighborhood association. And when we have a neighborhood association working in regard to the wishes of the neighborhood, and one landowner who does not respond, she does not know what it would hurt to put it on pending for six more months.

Esseks noted that the property owner has R-4 zoning and two approved special permits. It bothers him that outsiders can come in and request the change in zoning. He believes it is a bad precedent to let this prolong.

Taylor observed that it is a lot of volunteer work for people who preside over the neighborhood associations, and he does not want to put them in that type of financial squeeze. These people really care and are committed to their neighborhood. He does not think a decision to send this thing forward would be as responsible as allowing this association to confront that builder and at least have some sort of measure of control as to what happens in their neighborhood.

Strand recalled that the developer has come down several times and expressed frustration with the process, and she believes that several of the Commissioners believe that when it is not the property owner requesting the change, at some point you have to call a stop to it. The neighborhood always has the opportunity to come and speak in support or opposition to anything that is going on in their neighborhood.

Carlson disagrees that there is a cloud hanging over the property. The owner has an approved special permit, change of zone and community unit plan regardless of what is on the pending list. He could start pushing dirt tomorrow.

Motion to defer for six months failed 3-5: Taylor, Pearson and Carlson voting 'yes'; Carroll, Esseks, Larson, Sunderman and Strand voting 'no'; Krieser absent.

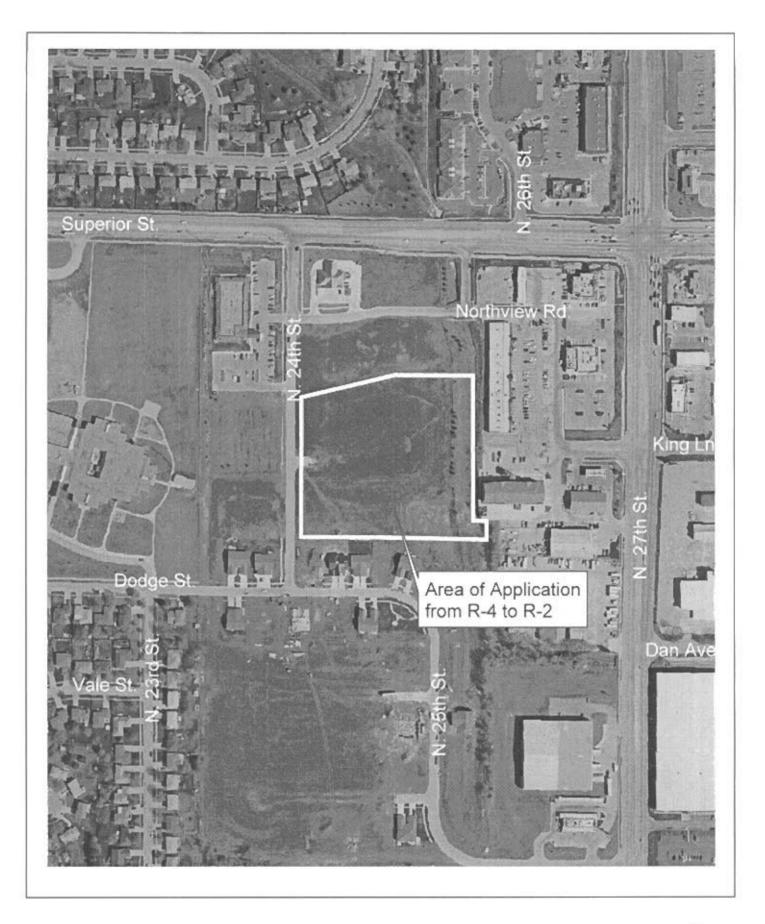
Strand moved to deny, seconded by Carroll.

Pearson moved to amend to instruct the Planning Department to refund the application fee to the applicant, seconded by Taylor.

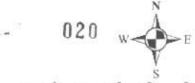
Rick Peo of the City Law Department advised that this vote does allow the change of zone process to proceed. There is no basis or justification for any refund. You don't get a refund whether you win or lose.

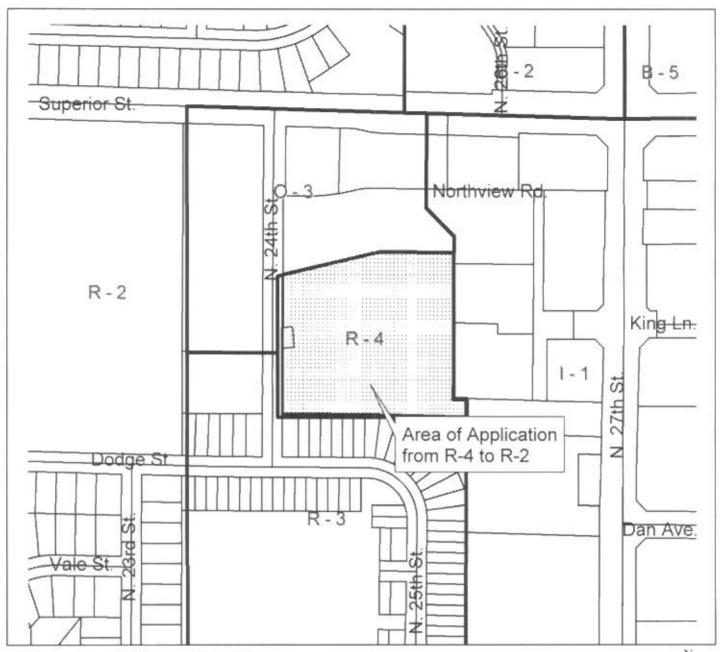
Motion to amend to refund the application fee failed 2-6: Taylor and Pearson voting 'yes'; Carroll, Esseks, Larson, Sunderman, Strand and Carlson voting 'no'; Krieser absent.

Motion to deny carried 5-3: Carroll, Esseks, Larson, Sunderman and Strand voting 'yes'; Taylor, Pearson and Carlson voting 'no'; Krieser absent. This is a recommendation to the City Council.



Change of Zone #3413 N. 24th St & Superior St.





# Change of Zone #3413 N. 24th St & Superior St.

# Zoning:

R-1 to R-8Residential District Agricultural District AGR Agricultural Residential District Residential Convervation District R-C Office District 0-1 Suburban Office District D-2 Office Park District 0-3 Residential Transition District R-T Local Business District B-1 Planned Neighborhood Business District B-2 B-3 Commercial District Lincoln Center Business District Planned Regional Business District Interstate Commercial District Highway Business District Highway Commercial District

General Commercial District

Employment Center District

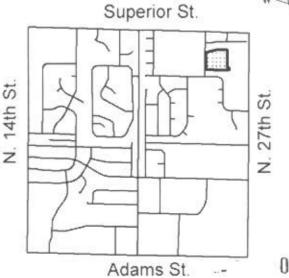
Industrial District

Public Use District

Industrial Park District

One Square Mile Sec. 12 T10N R6E

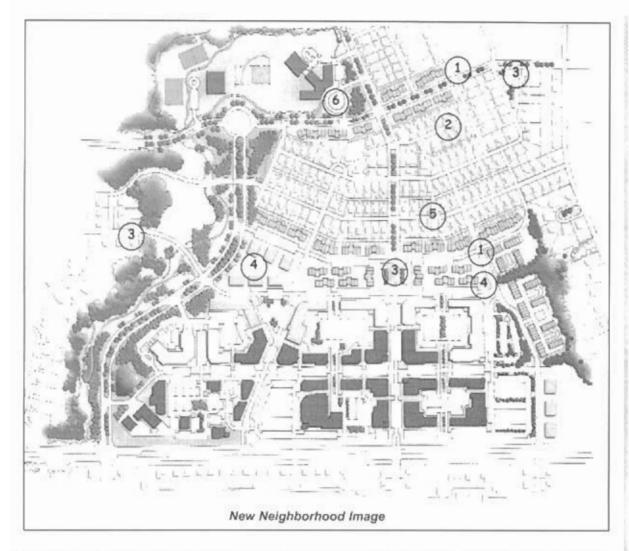




021

1-2

1-3



The image is an example of how the principles might work together in a neighborhood, including the following principles:

- 1. Encourage a mix of housing types, single family, townhomes, apartments, elderly housing all within one
- Similar housing types face each other: single family faces single family, change to different use at rear of lot;
- 3. Parks and open space within walking distance of all residences;
- 4. Multi-family and elderly housing nearest to commercial area;
- 5. Pedestrian orientation; shorter block lengths, sidewalks on both sides of all roads;
- Public uses (elementary schools, churches) as centers of neighborhood shared facilities (city parks & school sites).

marvin Krout: Planning Director, We are requesting a zone change of the northwew addition from R-4 to R-2. This action is being taken because of the burden of traffic in the area and the non-comformace of the building plan Submitted by Regal Building.

Carol Brown 435-8932

The neighborhood associations have been told that this property was to be used for an assisted living facility and elderly retirement housing. This is why the Landons neighborhood association appoued a Zoning several years ago from an R-2 to an R-4 change the townhomes very near have been under the hat an assisted living sacility was going take buth here this is still being told to prospective buyers of 123 the townhomes.

Leighborhood associations unvolved

are Landons and Regalton.

Carol Brown

# Memorandum

To:	Becky Horner, Planning Department					
From:	Randy Hoskins, Public Works and Utilities					
Subject:	Northview Villas					
Date:	June 29, 2003					
cc:	Ray Hill					
	Nicole Fleck-Tooze					

Public Works has conducted traffic analyses on the impact of three potential development scenarios on the parcel of land east of what is currently the intersection of North 24th Street and Timothy Court. Scenario #1 assumed the proposed Northview Villas apartment complex consisting of 61 units with the current R4 zoning. Scenario #2 assumed 25 town house units with the proposed R2 zoning. Scenario #3 assumed the existing approved use permit with 128 elderly housing units and 60 domiciliary/nursing home units. A June 3rd traffic count of the intersection of North 24th Street and Superior Street was used to determine the existing background traffic.

The total number of trips expected for scenario #1 is 34 trips in the AM peak hour and 52 trips for the PM peak hour. For scenario #2, the AM peak would create 17 trips and the PM peak would create 20 trips. Scenario #3 showed an AM peak increase of 35 trips and a PM peak increase of 39 trips.

The following is a break down on how the different scenarios would impact the North 24th Street and Superior Street intersection. Scenario #1 showed an increase of 23 vehicles approaching Superior Street from 24th Street in the AM peak hour and 14 vehicles in the PM peak hour. Scenario #2 showed an increase of 11 vehicles in the AM peak and five vehicles in the PM peak. Scenario #3 showed an increase of 13 vehicles in the AM peak and 14 vehicles in the PM peak. The June 3rd traffic study showed a total of 52 vehicles entering the intersection in the AM peak hour and 92 vehicles in the PM peak hour.

The largest impact on the intersection occurs during the AM peak hour for scenario #1. The number of vehicles entering the intersection from 24th Street is shown to increase from 52 to 75. This averages out to 1.25 vehicles **per minute** entering the intersection. The greatest impact during the PM peak hour occurs with scenarios #1 and #3. The number of vehicles entering the intersection is shown to increase from 92 to 106. This averages out to less than two vehicles **per minute**.

It is the opinion of Public Works that the function of the intersection is not affected significantly by any of the three scenarios. There does not appear to be a traffic-related need to down-zone the parcel of land to decrease density. Further, the proposed Northview Villas apartment complex does not appear to create a significant adverse effect on the traffic function in the area.

Based on the amount of traffic on Superior Street, a traffic signal would not be warranted at this location unless there were 100 vehicles approaching the intersection on 24th Street for each of eight hours, or at least 150 vehicles in a single peak hour.



Sorry I missed your call, I was in meetings all day yesterday and this morning.

Carol Brown is concerned about the amount of existing traffic in the area around Campbell Elementary, as well as the expected increase in traffic due to the proposed apartments and additional traffic that will be generated next school year by the number of students that will be attending NorthStar High School and driving by on Superior.

A couple of the concerns she has are in regards to installing traffic signals at 21st or 24th and Superior. She feels one or both of these locations should be signalized. We will be looking at the possibility of striping 24th St for two lanes northbound at Superior, one lane for right turns and one for lefts. We will look at signalizing this intersection, but I don't believe it will meet the Federal warrants for one even following the apartment development.

If you have any additional questions, feel free to email me or call me at 441-7570.

Randy Hoskins, P.E. City Traffic Engineer

#### d m

RECEIVED

JUN 1 2 2003

LINCOLN CITY/LANCASTER COUNTY
PLANNING DEPARTMENT

Becky Horner, Planning Dept.

Bruce Briney, Public Works and Utilities From:

Subject: Change of Zone Request #3413

> Landon's Neighborhood Association Regalton Neighborhood Association

Date: June 12, 2003

> Nicole Fleck-Tooze cc:

> > Randy Hoskins

The City Engineer's Office of the Department of Public Works and Utilities has reviewed the request for Change of Zone #3413 from R-4 to R-2 for Landon's and Regalton Neighborhood Associations. Public Works has no objection to the request.



Rick Peo <rpeo@ci.lincoln.ne.us To: RHorner@ci.lincoln.ne.us

cc:

Subject: Re: Change of Zone at 24 and Dodge

06/17/2003 01:53 PM

He will be limited to R-2 uses. He could only develope the R-4 elderly housing by completeing substantial construction prior to the COZ becoming effective and obtaining a vested right to complete the project.

RHorner@ci.lincoln.ne.us wrote:

- > Rick, regarding the request to change the zoning from R-4 to R-2 out at 24
- > and Dodge/Superior we felt that a comment from you would be most helpful.
- > Specifically we are wondering, if the zoning gets changed, what the
- > applicant can do with his property. Can he develop the elderly housing
- > based on the R-4 density. Will this be a taking, if approved? Any other
- > things you can think of?

message to Becky Horner - 028

# LOCATIONS WITH 13 OR MORE ACCIDENTS FROM 1-00 TO 10-00 PRINTED: 11-04-2000

```
#OF ACC'S :
           LOCATION
 37 : N 48 bet O and R
        : N 27 bet FAIRFIELD and KMART DR
        : O bet 56 and COTNER
     24
        : S 70 bet A and SUMNER
        : 0 bet 48 and 50
     23
     22
        : CORNHUSKER bet N 20 and N 27
     21
        : N 27 bet CORNHUSKER and KMART DR
        : NEBR HWY bet S 27 and SOUTHWOOD DR
     21
        : N 48 bet R and VINE
     19
        : O bet 14 and CENTENNIAL MALL
     19
     19
        : O bet 16 and CENTENNIAL MALL
     19
        : 0 bet 50 and 52
        : O bet 56 and PIAZZA
     19
     19
        : S 48 bet ANTELOPE CREEK and VAN DORN
     18
        : 9 at 0
     18
        : O bet 66 and 68
     17
        : O bet 3 (OVERPASS) and 9
        : 0 bet 32 and 33
     17
        : S 27 at NEBR HWY
     17
        : N 27 bet T and VINE
     16
     16
        : O bet 25 and 26
     16 : O bet COTNER and LYNCREST
     16 : S 70 bet L and O
        : N 27 bet FAIRFIELD and OLD DAIRY RD
     15
     15
        : N 27 bet O and P
        : CORNHUSKER bet N 48 and SUPERIOR
     14
     14
        : N 27 at VINE
     13
        : 27 at 0
     13
        : 48 at 0
        : CORNHUSKER bet N 31 and STATE FAIR PARK
     13
     13 : I 180 at CORNHUSKER
     13 : N 10 at O
     13 : O bet 46 and 48
     13 : O bet 68 and 70
     13 : S 40 at SHERIDAN
     13 : S 48 bet A and C
```

# LOCATIONS WITH 17 OR MORE ACCIDENTS FROM 1-01 TO 12-01 PRINTED: 01-04-2002

#OF ACC'S	: LOCATION
	: N 48 bet O and R
	O bet 68 and 70
	O bet COTNER and LYNCREST
	N 27 bet CORNHUSKER and KMART DR
28	O bet 14 and CENTENNIAL MALL
	: O bet 48 and 50
	N 27 bet O and P
	O bet 56 and COTNER
	O bet 66 and 68
24	
	CORNHUSKER bet N 20 and N 27
	: I 180 bet CORNHUSKER and R
	N 27 bet Q and R
	S 14 bet NEBR HWY and PIONEERS
22	
	: O bet 46 and 48
	S 48 bet ANTELOPE CREEK and VAN DORN
	S 70 bet L and O
	N 48 bet R and VINE
	O bet 50 and 52
	HOMESTEAD EXP bet CAPITOL and W O
	48 at O NEBR HWY bet S 27 and SOUTHWOOD DR
	NEBR HWY bet S 27 and SOUTHWOOD DR O bet 56 and PIAZZA
19	
	- 1 · m
18	A bet REGENCY and S 70 N 27 bet FAIRFIELD and OLD DAIRY RD
	S 70 bet A and SUMNER
17	
	I 80 bet NW 12 and SALT VALLEY RDWY
	N 27 bet CENTER and THERESA/OVERPASS
	N 48 bet DUDLEY and HOLDREGE
	NEBR HWY bet HIGH and VAN DORN
	O bet 24 and 25
17	
17 :	S 27 at NEBR HWY and PICCADILLY
	S 48 bet M and O
17	S 70 bet L and S WEDGEWOOD
1,	C 10 Dec 1 and 5 MEDGEMOOD

# LOCATIONS WITH 15 OR MORE ACCIDENTS FROM 1-02 TO 12-02 PRINTED: 01-04-2003

#OF ACC'S	:	LOCATION
63	:	N 48 bet O and R
31	:	N 48 bet R and VINE
31	:	S 70 bet L and O
30	:	N 27 bet FAIRFIELD and KMART DR
27	:	N 27 bet CENTER and THERESA/OVERPASS
		N 27 bet CORNHUSKER and KMART DR
25	:	S 48 bet A and C
24	:	NEBR HWY bet S 27 and SOUTHWOOD DR
24	:	O bet COTNER and LYNCREST
23	:	S 70 bet HOLMES PARK RD and PIONEERS
22		N 27 at VINE
22		
22	;	O bet 66 and 68
21	:	N 66 bet O and O
21	:	S 27 at NEBR HWY
20	:	48 at 0
20	:	S 48 bet ANTELOPE CREEK and VAN DORN
19	:	N 27 bet CLEVELAND and CORNHUSKER
19		
19		
19		
		27 at O
		N 48 at VINE
18	:	NEBR HWY bet S 27 and PIONEERS
18		
18	:	O bet 56 and COTNER
18	:	
18		
18		S 70 bet A and TETON
18		
17		
		I 180 bet CORNHUSKER and R
16	:	O bet 17 and 18
		N 10 at P
15	:	N 27 bet FAIRFIELD and OLD DAIRY RD
15	:	N 9 bet P and Q
15	:	S 27 bet E and F

# LOCATIONS WITH 7 OR MORE ACCIDENTS FROM 1-03 TO 05-03 PRINTED: 06-04-2003

```
#OF ACC'S: LOCATION
     15 : N 48 bet 0 and R
     13 : N 66 bet 0 and Q
     12 : I 80 bet NW 12 and HOMESTEAD EXP
     12
        : O bet 63 and 66
     12 : 0 bet 68 and 70
         : N 27 bet CORNHUSKER and KMART DR
     11
        : S 70 bet L and S WEDGEWOOD
     11
     10 : 27 at O
     10 : 56 at O
     10 : HOMESTEAD EXP bet CAPITOL and W O
     10
         : N 27 bet CENTER and THERESA/OVERPASS
        : O bet 14 and CENTENNIAL MALL
     10
        : 0 bet 48 and 50
     10
         : I 180 bet CORNHUSKER and R
         : N 27 bet T and VINE
           NEBR HWY bet S 27 and SOUTHWOOD DR
      9
         : O bet 16 and CENTENNIAL MALL
      9
      9
         : O bet 3 (OVERPASS) and 9
      9
         : 0 bet 46 and 48
      8
         : N 1 bet CORNHUSKER and SAUNDERS
           N 27 bet FAIRFIELD and KMART DR
      8
         : N 27 bet 0 and P
      8
      8
         : N 27 bet P and Q
         : N 33 bet HOLDREGE and STARR
      8
         : N 48 bet R and VINE
           N 56 bet HOLDREGE and ORCHARD
      8
         : P bet N 56 and N COTNER
      8
      8
         : S 14 bet CENTERPARK and PIONEERS
         : S 17 at K
         : S 27 at NEBR HWY
      8
           CAPITOL PKWY W bet S 9 and S FOLSOM
      7
         : CORNHUSKER bet N 31 and STATE FAIR PARK
      7
      7
         : CORNHUSKER bet N 48 and SUPERIOR
      7
         : N 16 at P
         : N 27 at HOLDREGE
      7
      7
           N 27 at VINE
      7
         : N 70 bet O and P
      7
         : NEBR HWY bet S 27 and PIONEERS
      7
         : 0 bet 10 and 11
      7
         : 0 bet 25 and 26
      7
           S 14 bet NEBR HWY and PIONEERS
      7
         : S 40 bet LAKE and NORMAL
      7 : S 48 bet ANTELOPE CREEK and VAN DORN
      7
         : $ 48 bet M and O
         : S 70 bet HOLMES PARK RD and PIONEERS
```

ON: SUP	ERIOR	AT BE	/ T: N 24		AND:	VENTER '-' II N 27	F AT INTERSECTION) LOC#: 24284
LOCKEY	CASE #	DAY	DATE	TIME	#VEHS	TYPE OF ACCII	ENT
• • • • • •	• • • • • • • • • • • • • • • • • • • •	• • • • •	• • • • • • • • • • • • • • • • • • • •	• • • • •			• • • • • • • • • • • • • • • • • • • •
24284	A2-018170		02-18-2002			IDE SWIPE ACC.	PR.DAM.
24284	A2-006424	FRI	01-18-2002	2128	2	REAR END ACC.	PR.DAM.
24284	A3-066429	WED	06-18-2003	9999	3	REAR END ACC.	PR.DAM.
24284	A3-060507	THU	06-05-2003	1700	2	REAR END ACC.	PR.DAM.
24284	A3-059573	TUE	06-03-2003	1158	2	REAR END ACC.	INJURY
24284	A3-051012	WED	05-14-2003	1314	2	REAR END ACC.	PR.DAM.
24284	A3-025514	THU	03-13-2003	0850	2 S	IDE SWIPE ACC.	PR.DAM.
24284	A3-022328	WED	03-05-2003	0750	2	DRIVEWAY ACC.	PR.DAM.
24284	A2-148313	TUE	12-31-2002	1838	2 S	IDE SWIPE ACC.	NOT REPORTABLE
24284	A2-123888	SAT	10-26-2002	1034	2	REAR END ACC.	NOT REPORTABLE
24284	A2-106067	SAT	09-14-2002	1410	2	REAR END ACC.	PR.DAM.
24284	A2-080822	FRI	07-19-2002	0847	3	REAR END ACC.	INJURY
24284	A2-061403	WED	06-05-2002	0644	1	REAR END ACC.	PR.DAM.

ON: SUP	PRIOR	AT	•		7 MT .	VENTER '-' IF AT INTERSECTION)
ON: SUP	ERIOR	BE	T: N 21		AND:	N 27 LOC#: 11882
LOCKEY	CASE #	DAY	DATE	TIME	#VEHS	TYPE OF ACCIDENT
11882	A2-016674	THU	02-14-2002	1715	3	REAR END ACC. INJURY
11882	A3-060137	WED	06-04-2003	1915	3	REAR END ACC. PR.DAM.
11882	A3-050242	MON	05-12-2003	1713	2	REAR END ACC. PR.DAM.
11882	A2-108794	FRI	09-20-2002	1552	2	REAR END ACC. NOT REPORTABLE
11882	A0-139615	MON	12-18-2000	0920	2 S	IDE SWIPE ACC. PR.DAM.
11882	A0-107164	TUE	09-26-2000	1518	2	REAR END ACC. INJURY
11882	A0-041749	SUN	04-23-2000	1220	2 S	IDE SWIPE ACC. H&R NOT-REP.
11882	A0-026520	WED	03-15-2000	0740	2	REAR END ACC. PR.DAM.
11882	99-124470	MON	11-15-1999	1903	2	REAR END ACC. NOT REPORTABLE
11882	99-118961	MON	11-01-1999	1640	2	REAR END ACC. PR.DAM.
11882	99-018123	MON	02-22-1999	0951	1 RAN	OFF ROAD ACC. H&R NOT-REP.
11882	98-042737	MON	04-27-1998	0151	1 RAN	OFF ROAD ACC. NOT REPORTABLE
11882	97-108021	THU	09-25-1997	2100	1 RAN	OFF ROAD ACC. INJURY

ON: SUP	ERIOR	AT BE	/ T: N 20		AND:	VENTER '-' IF AT INTERSECTION) N 21 LOC#: 11880
				m T M T		·
LOCKEY	CASE #	DAY	DATE	TIME	#VEHS	TYPE OF ACCIDENT
11880	A3-045119	MED.	04-30-2003	0050	2	REAR END ACC. INJURY
11880	A2-094989		08-19-2002		2	REAR END ACC. INDURI
11880	A2-047487		05-02-2002		2	REAR END ACC. INJURY
11880	A1-039871	-	04-18-2001		2	OTHER ACC. NOT REPORTABLE
11880	99-121580		11-08-1999		2	REAR END ACC. NOT REPORTABLE
11880	99-103975		09-24-1999		3	REAR END ACC. NOT REPORTABLE
11880	99-046228	SAT	05-08-1999	1428	1 RAN	OFF ROAD ACC. INJURY
11880	99-021902	THU	03-04-1999	1726	2	REAR END ACC. PR.DAM.
11880	98-070378	FRI	07-03-1998	1536	2	REAR END ACC. PR.DAM.
11880	98-024503	TUE	03-10-1998	0847	3	REAR END ACC. PR.DAM.
11880	97-128121	MON	11-10-1997	2129	2 S	IDE SWIPE ACC. INJURY H&R
11880	97-108296	FRI	09-26-1997		3	REAR END ACC. PR.DAM.
11880	97-106717	MON	09-22-1997	1947	2	REAR END ACC. NOT REPORTABLE

2003 - 1 2002 - 2 2001 - 1 2000 - 0

ON: N 24 BET: SUPERIOR AND: - LOC#: 24283

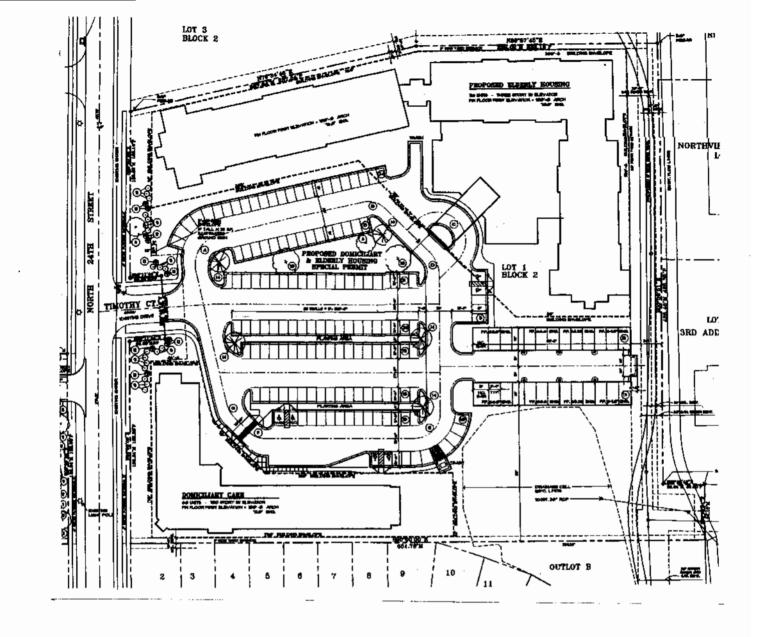
LOCKEY CASE # DAY DATE TIME #VEHS TYPE OF ACCIDENT

24283 A2-053099 THU 05-16-2002 1035 2 RIGHT ANGLE ACC. PR.DAM.
24283 98-029849 TUE 03-24-1998 0903 2 TURNING ACC. INJURY
24283 97-123964 FRI 10-31-1997 1150 2 TURNING ACC. PR.DAM.

2003-0 2002-1 2001-0 2000-0

## ACCIDENTS BY STREET LOCATION

ON: N 21		AT/ BET: SUPERIOR			AND	vENTER	'-' IF	AT INTERSECTION) LOC#: 11881
LOCKEY	CASE #	DAY	DATE	TIME	#VEHS	TYPE OF	ACCID	ENT
	70 105615				<u>.</u> <u>.</u>	TOUR BROKE		DD D314
11881	A2-135615		11-26-2002			IGHT ANGLE	s ACC.	PR.DAM.
11881	A1-072758	WED	07-04-2001	1600	2	TURNING	ACC.	PR.DAM.
11881	A1-051246	MON	05-14-2001	2104	2 R	IGHT ANGLE	ACC.	PR.DAM.
11881	A0-005441	MON	01-17-2000	0609	3	OTHER	ACC.	INJURY
11881	99-125159	WED	11-17-1999	1856	2 R	IGHT ANGLE	E ACC.	PR.DAM.
11881	99-110665	SUN	10-10-1999	1000	2	TURNING	ACC.	PR.DAM.
11881	95-111170	FRI	10-13-1995	1855	2 R	IGHT ANGLE	E ACC.	NOT REPORTABLE
11881	93-103701	FRI	10-22-1993	0850	2 R	IGHT ANGL	E ACC.	INJURY



SPECIAL PERMIT #1820 ELDERLY HOUSING/DOMICILIARY CARE 24TH AND DODGE STREETS Marvin S Krout/Notes 12/05/2005 10:36 AM To Planning\_PC Members

cc carolserv@hotmail.com, tcajka@ci.lincoln.ne.us@Notes

bcc

Subject Item 4.1 on Wednesday's agenda

is a request by two neighborhood associations to rezone a 5.5 acre tract of land near on the east side of North 24th Street, south of Superior, from R4 to R2. Carol Brown, who filed the application in behalf of the neighborhood associations back in July 2003 and has requested and obtained several continuances since that time, indicates that they are asking for another continuance this Wednesday.

I would urge you to review the original staff report, which indicated that R4 was an appropriate classification for this tract and recommended denial. That is still our recommendation, and we do not favor any further delays on this request. Originally the landowner and neighborhood associations were attempting to negotiate a new plan for this tract, but there have not been any discussions for some time now.

Marvin S. Krout, Director Lincoln-Lancaster County Planning Department tel 402.441.6366/fax 402.441.6377 ITEM NO. 4.1: CHANGE OF ZONE NO. 3413 (p.289 - Cont'd Public Hearing - 5/26/04)



"Carol B"
<carolserv@hotmail.co

MKrout@ci.lincoln.ne.us

05/25/2004 02:43 PM

Subject: RE: Change of Zone 3413

To: JWalker@ci.lincoln.ne.us, plan@ci.lincoln.ne.us,

Planning Commissioners,

Landons Neighborhood Association and Regalton residents would like to request a deferral of Change of Zone No. 3413 to December 8, 2004. We are in communication with the developer and are still working on a plan for the site of 24th and Dodge/Superior St.

Thank You, Carol Brown Landons Neighborhood Association Secretary

Stop worrying about overloading your inbox - get MSN Hotmail Extra Storage! http://join.msn.click-url.com/go/onm00200362ave/direct/01/



"Carol B" <carolserv@hotmail.co

02/03/2004 04:23 PM

To: JWalker@ci.lincoln.ne.us

cc: brian@carstensandassociates.com, MKrout@ci.lincoln.ne.us.

RHorner@ci.lincoln.ne.us, HwithG@aol.com, damonlask@juno.com

Subject: RE: Change of Zone No. 3413

Jean,

Landon's Neighborhood Association and our Regalton neighbors would like to ask again for a delay on the change of Zone No. 3413 (R-4 to R-2 - No. 24th & Dodge/Superior Street). We are still working with Marty Fortney on getting the right project in this area. We would like to delay until May if we could please.

Thank You, Carol Brown

Get a FREE online virus check for your PC here, from McAfee. http://clinic.mcafee.com/clinic/ibuy/campaign.asp?cid=3963

applicant requests
deferral unice May 26, 2004
- flor walker



"Carol B" <carolserv@hotmail.co</pre> To: JWalker@ci.lincoln.ne.us

cc:

Subject: RE: CZ.3413

12/06/2004 12:04 PM

Jean, would you please pass this information on to the planning Department and Planning Commission? Thank you, Carol

Dear Commissioners and Planning Department, Landons Neighborhood and Regalton residents would like to request a deferral of 6 months for the Change of Zone No. 3413. I have, in the last week, received an email from Mr. Fortney requesting a meeting to discuss his plans for this area. We are anxious to meet with him and see what ideas he has. Thank you for your consideration.

Carol Brown Landons Neighborhood Association-Secretary



"carol brown" <carolserv2@hotmail.c om>

10/22/2003 03:12 PM

To: JWalker@ci.lincoln.ne.us, RHorner@ci.lincoln.ne.us, mkrout@ci.lincoln.ne.us

CC

Subject: delay of our zoning on 24th and Superior

Jean, Becky and Marvin,
Once again I would like to request a delay in our zoning action that will be
coming forward next week. This time I am requesting that we delay until
Febuary for the fact that Marty seems to be having some trouble coming up
with some answers for us. He probably is very busy with other projects. Hope
this won't be too long of a delay but I really don't think now he is in any
hurry for there is a 5-10 year build out on this project if approved down
the line.
Thanks,
Carol Brown

Cheer a special someone with a fun Halloween eCard from American Greetings! Go to http://www.msn.americangreetings.com/index msn.pd?source=msnel34

> cc: Planning Commission Brian Carstens Mark Hunzeker

> > --jlw



Jean L Walker 09/15/2003 10:19 AM To: "Carol B" <carolserv@hotmail.com>

cc: jcjc@navix.net, sduvall@neded.org, csteward1@unl.edu, giims@radiks.net, Jean L Walker/Notes@Notes, gdkrieser@yahoo.com, mbills@woodsbros.com, roger.larson@wellsfargo.com, dmarvin@neb.rr.com, Marvin S Krout/Notes@Notes, Ray F Hill/Notes@Notes, Rebecca D Horner/Notes@Notes, rpeo@netinfo.ci.lincoln.ne.us@Notes, (bcc: Jean L Walker/Notes)

Subject: Re: 24th st and Superior Zoning action #3413

Thank you, Carol. We have forwarded your request for deferral until October 29th to the Planning Commission. With this request in advance, I do not believe it will be necessary for you to attend on Wednesday.

--Jean Walker, Administrative OfficerCity-County Planning Department441-6365"Carol B" <carolserv@hotmail.com>



"Carol B" <carolserv@hotmail.co m>

09/15/2003 09:58 AM

To: JWalker@ci.lincoln.ne.us, carolserv@hotmail.com

Subject: Re: 24th st and Superior Zoning action #3413

Jean,

I would like to request another delay on zoning action #3413 until October 29th. We are getting much closer to an agreement and hopefully will have one by then. We are awaiting on some information from Marty on his intent of what he will NOT consider putting on the property. I have guests in from Pennsylvania in this week so if I don't have to be in attendance I would appreciate that, otherwise if you think it is necessary please let me know and I will adjust my itinerary. Please pass this message along to the Planning Commission and thank you all for your patience.

Carol Brown

Try MSN Messenger 6.0 with integrated webcam functionality! http://www.msnmessenger-download.com/tracking/reach\_webcam





**Jean L Walker** 07/21/2003 03:15 PM To: "Carol B" <carolserv@hotmail.com>

cc: jcjc@navix.net, sduvall@neded.org, schwinn.hm@prodigy.net, csteward1@unl.edu, glims@radiks.net, Jean L Walker/Notes@Notes, gdkrieser@yahoo.com, mbills@woodsbros.com, roger.larson@wellsfargo.com, dmarvin@neb.rr.com, Marvin S Krout/Notes@Notes, Ray F Hill/Notes@Notes, Rebecca D Horner/Notes@Notes, (bcc: Jean L Walker/Notes)

Subject: Re: 24th st and Superior Zoning action #3413

## Carol:

I hereby acknowledge receipt of your request for deferral of Change of Zone No. 3413. This application will appear on the Planning Commission agenda on August 6, 2003, for continued public hearing, at which time the Commissioners will vote on your request for deferral until August 20th. However, the Commission will also take testimony on August 6th if there is anyone who wishes to speak.

Let me know if you have further questions.

--Jean Walker, Administrative Officer City-County Planning Department 441-6365 "Carol B" <carolserv@hotmail.com>



"Carol B" <carolserv@hotmail.co m>

To: JWalker@ci.lincoln.ne.us

CC:

Subject: Re: 24th st and Superior Zoning action #3413

07/21/2003 02:56 PM

Planning Commissioners,

I would like to request a deferral of the 24th st and Superior Zoning action #3413 to August 20th. We will be having several meetings with Regal Builders regarding the project that is slated for this property so the extra time would be helpful.

Thank You, Carol Brown 435-8932 Landons Neighborhood and the Regalton Neighbors

Add photos to your e-mail with MSN 8. Get 2 months FREE\*. http://join.msn.com/?page=features/featuredemail



"Teri and Steve" <teriandsteve@neb.rr.c om>

07/19/2003 12:34 PM

To: <twerner@ci.lincoln>, <kscoboda@ci.lincoln.ne.us>, <pnewman@ci.lincoln.ne.us>, <amcroy@ci.lincoln.ne.us>, <gfriendt@ci.lincoln.ne.us>, <jcook@ci.lincoln.ne.us>, <jcamp@cl.lincoln.ne.us>, <jwalker@ci.lincoln.ne.us>

cc:

Subject: Down Zoning Action

I, Teri Hess, support the down zoning action brought forward by the Landons Neighborhood and the Regalton residents for the property off of 24th Street between Superior and Dodge. I also oppose the action to build an apartment complex at this location.

Teri Hess terih@neb.rr.com

ITEM NO. 3.1: CHANGE OF ZONE NO. 3413 (p.101 - Public Hearing - 7/09/03)

ce: Planning Commission

Public Works, Law Department

Applicant



"sharia meester" <smeester@inebraska. com>

07/08/2003 10:12 PM

To: <plan@ci.lincoln.ne.us>

CC:

Subject: Change of Zone No. 3413

To: County Planning Commission Re: Change of Zone No. 3413

I wanted to notify you that I'm in favor of rezoning from the current R-4 Residential District to a R-2 Residential District. The reason I feel we need to have this changed is due to the traffic we have in the area now with only 40 Townhouse units completed. When all is built there will be 122 units. This will only add to the safety concern of having an Elementary School one block away. I have also been told many things in the past from Regalton that seem to change from the way in which it was sold to you. This has caused a lot of mistrust.

Another area of concern, would be the buffer zone that has been removed from behind my place. When I was sold my townhouse, Marty stood on my balcony with me stating he thought this was one of the best lots out here due to the trees and privacy I would have. A couple months later the property owner of the creek cut down all the trees along there. I was later informed that Marty was aware they needed to do something with cleaning up the creek, but didn't know what they had planned. If I would have been told this information, I would have asked the owner what his plans were for the creek. Had I known they were going to tear down all the trees, I would have never bought here. It use to be quiet with the trees (buffer zone) there. Now I wake up several times a week to the garbage trucks that come in the middle of the night over at the Ramada Inn and the Gas Station on 27th Street. It could also be from other businesses in the area too. All I know is that they are loud. I also have "bright" lights from the storage sheds shining in my bedroom. What ever happened to the requirement of having a buffer zone between industrial and residential areas? Who is responsible for replacing the buffer zone once it has been removed? I have been told by Marty (Regalton) that it is not their responsibility.

I would also like to know about the property between my lot and the creek. I was told the owner of the creek does not own this property nor does Regalton. It was thought the City of Lincoln owned it, but was told they do not. In this area, we now have thistles that have bloomed growing all over. This is against the law in the State of Nebraska to have these purple flower thistles growing wild. Who is responsible for removing those, as we are going to have an even larger problem in the future.

Please respond by e-mail or letter the questions I have posed. I look forward to hearing from you. I don't know where else to turn with these concerns, so if I'm asking the wrong department, could you let me know who I need to contact? Thank You.

Sincerely,

Sharla Meester 4234 N. 25th Street Lincoln, NE 68521 (402) 476-3756

ITEM NO. 3.1: CHANGE OF ZONE NO. 3413 (p.101 - Public Hearing - 7/09/03)

cc: Planning Commission

Applicant

Public Works, Law Department



"Terry Hiatt" <THIATT@neb.rr.com> 07/08/2003 08:37 PM

To: <jwalker@ci.lincoln.ne.us>

cc: Subject: Downzoning

We support the downzoning from R4 to R2 for the property on North 24th Street between Dodge and Superior Streets. We feel this action would eliminate the threat of increased traffic through the neighborhood. As it is the traffic has increased just from the building of the townhouse in our neighborhood. When we purchased our home at 2454 Northline Court we were under the opinion that an assisted living development would be built in that area.

Please distribute this message to members of the planning commission.



tthomps@lps.org 07/08/2003 02:26 PM To: plan@ci.lincoln.ne.us

CC:

Subject: Zoning action #3413

#### Dear Planners:

I am a homeowner within Regalton and a member of the neighborhood association. At the time I puchased my townhome, Regalton represented to me a plan for developing the area that was acceptable to me. However, Regalton has recently announced its plans to develop the land to accommodate an even larger complex than was previously indicated. I understand that the land is under consideration now for rezoning, and I favor a change of zone #3413.

Thank you for your consideration.

Theresa Thompson 2320 Dodge Street Lincoln, NE 68521

ITEM NO. 3.1: CHANGE OF ZONE NO. 3413 (p.101 - Public Hearing - 7/09/03)

cc: Planning Commission

City Attorney, Public Works



Wanda Ryba <wryba@HeritageWarr anty.com> To: "plan@ci.lincoln.ne.us" <plan@ci.lincoln.ne.us>
cc:

Applicant

07/08/2003 12:25 PM

My name is Waunette Ryba and I am a homeowner at 2400 Dodge St., Lincoln, NE 68521. This note is to let you know that I am in favor of the change of zone for #3413. The building of a assisted living facility would greatly reduce the traffic in the area. The people in the assisted living facility would probably not have vehicles. The only extra vehicles in this area would probably be the workers of the facility, visitors (which would probably be few), and delivery personnel. I believe there is a need for more assisted living facilities in Lincoln and less apartments. The brochure that Woods Brothers put out did not tell the truth. Thank you for your attention to this situation.

Subject:

ITEM NO. 3.1: CHANGE OF ZONE NO. 3413 (p.101 - Public Hearing - 7/09/03)

cc: Planning Commission

Attorney

Public Works



To: <plan@ci.lincoln.ne.us> City cc: "Caroi Brown" <carolserv@hotmail.com>

Subject: Down Zone (parcel legal description: Lot 1, Block 1, Northview 4th

Addition and the vacated Timothy Court, all located in Section 12,

T10N, R6E) from R4 to R2

Attention: Planning Commission

I have lived in North Lincoln for almost 20 Years... And "very" close to the affected area. We even have friends who live in both Landon & Regalton developments. We own property in Regalton. You should watch the replay of the City Council Meeting, you will see many more people than I are un-happy with ever giving in to developers, to the zone change a few years back, that went from R2 to R4.

I have watched the Regalton Development close to the parcel in question (parcel legal description: Lot 1, Block 1, Northview 4th Addition and the vacated Timothy Court, all located in Section 12, T10N, R6E, which is requested for the down zone), from the first signs of heavy equipment that came to that area, which turned into Townhomes on Dodge Street and North 25th street. We bought property in Regalton because we were told the parcel legal description: Lot 1, Block 1, Northview 4th Addition and the vacated Timothy Court, all located in Section 12, T10N, R6E was going to be assisted living for 55 and older residents. Regalton sales fliers promoted the area in question as a 55 and older assisted living plan. The residents of this immediate area only agreed to the change from R2 to R4, because the residents wanted a daycare, and went along with an assisted living plan because that was how they could get a daycare. Marty Fortney says he can't find anyone who wants to have him build a daycare on the site across 24th street from parcel legal description: Lot 1, Block 1, Northview 4th Addition and the vacated Timothy Court, all located in Section 12, T10N, R6E. So that being said. If there is no assisted living development plan, the land should revert back to R2, single family residences. And "No" daycare for kids.. then the whole plan that the immediate area approved is falling thru.

Plus down zoning to R2, that would help reduce the congestion at 24th and Superior Street. With the R2 down zoning approval, it is "unlikely" the city would have to ever put up a stop light at 24th and Superior, so that would save the City money erecting a stop light and stop light maintenance. We purchased 6 townhomes in Regalton for rental properties, the tenants complain about not having street area to park on and they hate the traffic (especially the school traffic). The Main entry to Campbell Elementary is on 24th street (which is the south entrance and the main entrance). The north entrance as posted at the North Teacher Entrance (for buses and teachers only), no student drop off at the north entrance.

Look at what Patte Newman said at the City Council Meeting today, when the City Council voted down Special Permit No 2014... She said, the City has made mistakes rezoning areas of R2 into R4 zoning and had to go back later to change it in other parts of Lincoln (because the R4 zoning did not work). It has happened. My wife testified at the council meeting and we both watched a replay of the Council Meeting on Channel 5 this evening. I have also emailed the entire Lincoln school board (if they get the email in time), I hope they reply with their feelings on this matter.

Lets Down Zone this parcel right now, lets not wait until it is too late and the parcel is built up into a large complex and traffic is a nightmare and a small child gets ran over. I don't want that to me my child, and I am sure you wouldn't want it to be yours.

Please vote to down zone parcel legal description: Lot 1, Block 1, Northview 4th Addition and the vacated Timothy Court, all located in Section 12, T10N, R6E to R2

Thank you.

Chris Gress

ITEM NO. 3.1: CHANGE OF ZONE NO. 3413 (p.101 - Public Hearing - 7/09/03)

cc: Planning Commission

Rick Peo, Applicant

City Council

Dennis Bartels

To: H2b1@aol.com

cc: jwalker@ci.lincoln.ne.us

Subject: Re: Help Campbell School Children Change Landons back to R2

Thank you for your comments. I will forward this information to the Planning Commission members in reference to Change of Zone No. 3413, from R-4 to R-2, which is scheduled for public hearing on Wed., July 9th, beginning at 1:00 p.m. The Planning Commission will make a recommendation to the City Council on this change of zone request.

I am also forwarding your comments to the City Council office in regard to Special Permit No. 2014, which is scheduled for Public Hearing before the City Council today, July 7th, beginning at 1:30 p.m. The Planning Commission recommended that the Fortney application for the 61 multi-family units be denied. The City Council will be making the final decision on that application.

If you have any questions, please feel free to contact me at 441-6365 or jwalker@ci.lincoln.ne.us.

-- Jean Walker, Administrative Officer City-County Planning Department 441-6365 H2b1@aol.com

Jean L Walker

07/07/2003 07:57 AM



H2b1@aol.com 07/07/2003 06:56 AM To: jwalker@ci.lincoln.ne.us

CC:

Subject: Help Campbell School Children Change Landons back to R2 zoning

Dear Jean: Please distribute this e-mail to all members of the Planning Commission.

### Planning Commission:

I'm writing you in hopes that you will help our neighborhood by not approving Marty Forney's plan to build a 61 unit multi-family apartment complex Special Permit NO, 2014 North View Villas Plan. I have lived in the Landon's neighborhood for 20 + years and have watched this area grow rapidly and have so many traffic problems. I'm now living at 4141 N. 21st very close to Campbell School. The Campbell Elementary School children already face enough dangerous traffic. Our neighborhood gets not only traffic from people living in our neighborhood but many people cutting through to avoid traffic jams at 27th & Superior and at 27th & Cornhusker, these are people trying to save time racing through our neighborhood. If a 61 unit complex, which would mean an added possible 200 people racing through our neighborhood.

We are proposing the change of zoning back to R2 from R4, The R4 zoning changed only because Mike Rierden (Lincoln Federal Bank) proposed assisted living with a domiciliary unit and then it was sold to Marty Forney and he is planning the apartments. This is not the same thing. Please help us maintain some quality and safety in our neighborhood.

Thank you,

Nancy & Steve Hegener 4141 N. 21st Lincoln, NE 68521

ITEM NO. 3.1: CHANGE OF ZONE NO. 3413 (p.101 - Public Hearing - 7/09/03)

cc: Planning Commission

Rick Peo



DBargman@aol.com 07/03/2003 11:44 AM

To: jwalker@ci.lincoln.ne.us

CC:

Subject: Rezoning

Dennis Bartels Applicant

Planning Commissioners,

As a resident of the Landons neighborhood we support the rezoning of Special Permit No. 2014 North View Villas Plan on 24th and Dodge Street, from R4 back to R2. We feel that an apartment complex or another heavily populated unit here would generate a huge amount of traffic in our neighborhood and will diminish the character and quality of life in Landons and devalue our homes. We also feel that it would cause a huge burden on Campbell Elementary and traffic around the school which is already heavy.

Sincerely,

Doane & Shirley Bargman 4400 North 21st Street Lincoln, Ne 68521

Please distirbute a copy to each planning commissioner.

July 2, 2003

Sheila Damon
Representative for Regalton Neighborhood Assoc.
2435 Dodge Street
Lincoln, NE 68521

Jean Walker Administrative Assistant for the Planning Dept.

Re: Change of Zone No. 3413 N. 24th Street & Superior Street R-4 to R-2

## Dear Jean:

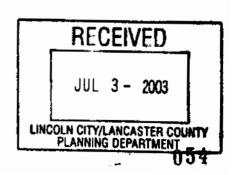
Please give a copy of the sales brochure from Woods Bros. Realty that I made reference to in my testimony before the planning commission on June 11, 2003 to each member of the planning commission before the public hearing on July 9, 2003.

Thank-you

Sincerely,

Sheila Damon

phone# 435-1576



Lincoln's newest subdihome living near 27th and Superior streets. Regalton is affordable townvision offering Regalton

able townhornes. Regalton will offer all snow removal and lawn service, all at much lower price than many compararesponse to the strong need for affordfrom a townhome community, such as the conveniences one would expect is being created in ble neighborhoods.

120 townhome care, an assisted living cen-Plans for units, a daysion include the subdivi-



neighborhood just minutes away from Whether you are an on-the-go person all the conveniences of everyday life. Regalton offers a quiet, peaceful

ATM's, and one-hour looking for fast food, someone looking for a slower pace with a home-cooked dinner dry cleaners, or

4nd strolls on the



The Neighborhood

is the place for location offers a quick comconvenient Regalton's



north on 27th Street. Campbell elemenmunities, access to I-80 is a short drive Omaha. Seward, or other nearby comtary school is just down the road, makneed accommodations for younger chil dren, a daycare is planned as a part of ing it possible for children to walk to school in a matter of mnutes. If you mute for both big kids and little kids alike. For those who commute to the Regalton community.

and miniature golf at the nearby fun cen ler. Craving something specific for dinmany recreational opportunities at their place for a Sunday ride. Children will enjoy a day of go-carts, video games, Superior Street, providing the perfect Residents of Regalton will have ner? Choose from Mexican, Italian, fingertips. A bike path runs along Chinese, and American fare, all of which are nearby.

far to find a specialty shop that has what pers. Whether you need groceries, lum-The 27th and Superior area is abundant with retail shops in which you will ber, videos, toys, pet supplies, cars, furniture, or clothes, you won't have to go find everything from apple pie to zipon necd

The Features

nearby. Whether you want to work out. minutes away from legal services, puhwash your car, buy a tan, or plan a trip, medical needs will be met with doctors here are a variety of services to meet optometrists, and even a veterinarian ic utilities and several banks. Your Regalton residents are also only linics, physical therapists, our needs. Regalton offers three floor plans for buyers to choose from, each with sever creating different looks for the exterior neighborhood consistent, yet attractive personal needs and wants. Each plan nas three different elevation options, of the home. This helps to keep the al options that can be adjusted to fit by offering some variety.

nomes start at only \$105,000 including he lot, making this an affordable option input on everything from choosing col-Inside the townhomes, buyers have ceilings, sprinklers and sod. The town ors. adding a fireplace, or finishing the There is a large list of options for resicapable of being handicap accessible. pasement for additional living space. heir new home. All of the plans are and include a double garage, vaulted dents to choose from to personalize or most everyone.





tive like royally ...on a budger

agents listed below. please contact one of the Woods Bros For more information on Regalton,

Kasey Hartman SouthPointe 430-8144

Lincolnshire 430-0574 Ron Paul

JOU Carter Ganz Lincolnshire 430-9511

Mike Thomalla SouthPointe 430-8122

Developed By:



Marketed By:

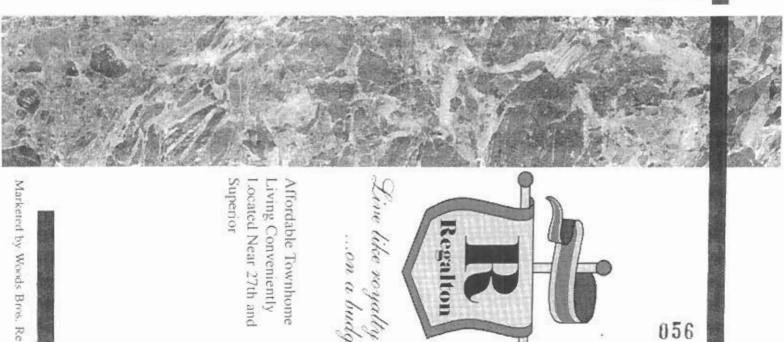


www.woodsbrosrealty.com

Lincoln, NE 68506 4645 Normal Blvd., Stc. 242 Woods Bros. Realty



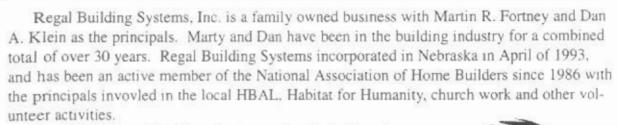




...on a budge

Superior Affordable Townhome Located Near 27th and Living Conveniently

## The Builder



Until 1996, Regal Building Systems primarily built custom homes from \$150,000 to \$300,000 and did remodeling projects up to \$75,000. In 1997, they began adding a mixture of small commercial projects to design, build, sell, and own along with custom home building. In 1998, a roofing division was added and in 1999 an excavating division. The number of custom homes has varied from 5-13 annually over the past four years. The number of employees has grown from 5 in 1997 to 18 in 2000.

grown from 5 in 1997 to 18 in 2000.

Regal Building Systems operates on the premise of the Golden

Rule. The company is very team oriented and always works towards a win-win strategy with contracts, building processes, end products, warranties, and customer satisfaction.

# The Agents



Ron Paul Woods Bros Realty Lincolnshire Office 430-0574 434-3800



Kasey Harlman Woods Bros. Realty SouthPointe Office 430-8144 434-3600



Lou Carter Ganz Woods Bros. Realty Lincolnshire Office 430-9511 434-3800



Mike Thomalla Woods Bros. Realty SouthPointe Office 430-8122 434-3600



<farmertedb@alltel.net</pre>

To: <jwalker@ci.lincoln.ne.us>

CC:

07/02/2003 08:03 PM

Subject: zoning in landons addition

Jean Walker Planning department We request that the zoning in landons addition be returned to R2 instead of the current R4 to stop the building of a apartment complex in the addition which would overload the school as well much traffic .The planning commission has once denied his request. thank you Ted Bulling

ITEM NO. 3.1: CHANGE OF ZONE NO. 3413 (p.101 - Public Hearing - 7/09/03)

cc: Planning Commission

Public Works City Attorney Carol Brown

HwithG@aol.com 07/02/2003 01:36 PM

To: jwalker@ci.lincoln.ne.us CC:

Subject: Re: rezoning

Brian Carstens (ref SP.2014)

Dear Ms. Walker

Would you please submit this to the planning commission in regards to the re-zoning request of Landon's Neighborhood Association?

I strongly support the efforts of LNA to return the parcel of land located north & east of 24th & Dodge street to it's previous status of R-2 from R-4.

My belief is that the adjoining neighborhoods & schools will be must better protected from increased traffic, crime & non-owner occupied residences. Returning zoning to R-2 will preserve the established neighborhoods way of life as has been since 1977.

Please read the attachment.

Sincerely

Rob Hackwith-----Vice-president Landon's Neighborhood Association Landon'sflyer 2.doc

## LANDON'S NEIGHBORHOOD ASSOCIATION

Over the past several weeks the Landons Neighborhood Association along with the Regalton neighborhood (the town home owners to the east of Landons) has been involved with a zoning issue Special Permit NO. 2014 North View Villas Plan on 24th and Dodge Street, East of Campbell Elementary School. If you have been a long term resident of Landons you will remember this area was hotly debated by the owners what type zoning would be good for this parcel of land. At one time it was zoned R-2 which is residential and would allow for about 25 duplexes or single family homes. Much negotiating took place between the neighborhood and Mike Rierdon (Lincoln Federal Bank) in 1999 and a deal was struck between us all that we would support a rezoning of the property to R-4. The proposal was an assisted living complex with a domiciliary unit would go in at this site along with the completion of Old Dairy Road. We assumed this type of facility would be less of a traffic burden, which we were already experiencing in 1999, through our neighborhood and around our school. Three years ago that piece of property changed hands and is now owned by Marty Fortney (Regal Development). Regal is the developer of the town homes to the east of Landons. Mr. Fortney is abandoning the idea of the assisted living complex and would now like to build a 61 unit multi-family apartment complex on this site. These units would be relatively inexpensive and would invite non-owner occupation. Landon's board feels like this apartment complex would generate a huge amount of traffic in our neighborhood and will diminish the character and quality of life in Landons and devalue our homes. We also feel this will cause a huge burden on Campbell Elementary and traffic around the school. The Landons board and the neighbors of Regalton have successfully presented our views to the Planning Commission and the decision by the Planning Commission was to deny the special permit of the apartment complex brought forward by Mr. Fortney. This is not, however, where it ends. Mr. Fortney is now bringing this proposal to the City Council on July 7th at 1:30 pm. Landons needs your help!!! We would like to have ALL of the residents of Landons write or email the City Council and voice your concerns opposing this apartment complex. You can email or post mail the council members at the address below. Your attendance at the City Council meeting would be great! The meeting is at the City County bldg July 7th at 1:30 pm.

Landons along with the Regalton neighbors have also filed for a rezoning of this parcel of land back to R2 from R4. The difference being that R2 zoning will allow for only 25 duplex units or single family homes instead of the density of a large apt complex or another heavily populated unit. This zoning action was a shared cost of \$290.00 between the Regalton neighbors and Landons. This zoning action will take place on July 9<sup>th</sup> at 1pm at the City County bldg. and you are welcome to attend. If you cannot attend we are asking all of the residents of Landons write or email a letter. When sending your letter please request a copy be distributed to each planning commissioner.

If you would like more information on this zoning action please do not hesitate to call Carol or John Brown 435-8932 or John Brown at work North Star Jewelry 435-6686. United in our efforts we can make a difference in our neighborhood!

COUNCIL'S MAILING ADDRESS: Joan Ray, Council Staff, CITY COUNCIL OFFICE, COUNTY-CITY BUILDING, 555 S. 10TH STREET, LINCOLN, NE 68508

## Email Council members:

TERRY WERNER twerner@ci.lincoln.ne.us
KEN SVOBODA ksvoboda@ci.lincoln.ne.us
PATTE NEWMAN pnewman@ci.lincoln.ne.us
ANNETTE McROY amcroy@ci.lincoln.ne.us
GLENN FRIENDT gfriendt@ci.lincoln.ne.us
JONATHAN COOK jcook@ci.lincoln.ne.us
JON CAMP jcamp@ci.lincoln.ne.us

For zoning letters send to: Jean Walker, Planning department, 555 South 10th, Room 213, Lincoln, NE 68508 email jwalker@ci.lincoln.ne.us



"Terry Hlatt" <THIATT@neb.rr.com> 07/01/2003 08:41 PM To: <twerner@ci.lincoln.ne.us>, <ksvoboda@ci.lincoln.ne.us>, <pnewman@ci.lincoln.ne.us>, <amcroy@ci.lincoln.ne.us>, <gfriendt@ci.lincoln.ne.us>, <jcook@ci.lincoln.ne.us>, <jcamp@ci.lincoln.ne.us>, <jwalker@ci.lincoln.ne.us>

CC:

Subject: Upcoming City Council Meeting

We understand that Regal Building Systems will present a proposal, Special Permit # 2014, at the next city council meeting. We are concerned about this proposal because it would allow construction of an apartment complex on North 24th Street between Dodge and Superior Streets. Having lived in the area since July 2002, we have seen the vehicular traffic on North 24th Street increase. Three safety concerns come to mind. 1) More traffic will increase the difficulty of making a left-hand turn onto Superior Street. As it is now during peak traffic times you have to wait a considerable time before making a left-hand turn. 2) Children living in the complex will have to cross North 24th Street to get to Campbell Elementary School. They will be at greater risk. 3) Cars backing out directly onto North 24th Street from the bordering apartments and those coming out on the complex's lone entry will increase the chance of accidents. We do support the downzoning from R4 to R2.

Terry and Beverly Hiatt 2454 Northline Court 890-2035

ITEM NO. 3.1: CHANGE OF ZONE NO. 3413

(p.101 ↔ Public Hearing - 7/09/03)

June 30, 2003

cc: Planning Commission Dennis Bartels Rick Peo Carol Brown

Sheila Damon
Representative for Regalton Neighborhood Assoc.
2435 Dodge Street
Lincoln, NE 68521

Jean Walker Administrative Assistant for the Planning Dept.

Re: Change of Zone No. 3413 N. 24th Street & Superior Street R-4 to R-2

Dear Jean:

Please give a copy of our neighborhood petition in favor of change of zone No. 3413 to the members of the planning commission before the public hearing on Wednesday, 9, 2003.

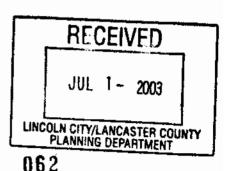
Thank-you

Sincerely,

Sheila Damon

phone# 435-1576

thula Damos



We, the undersigned, are in support of preserving existing low-density residential development due to our concerns about potential parking, traffic congestion, and the quality of the neighborhood. We are in favor of changing the existing zoning of R-4 [which allows apartment complexes] back to its original zoning of R-2 [single or two-family dwellings]. Property's location: generally located at North 24th between Superior & Dodge Streets. { Legal description: Lot 1, Block 1, Northview 4th Addition and the vacated Timothy Court, all located in section 12, T10, R6E.}

Name (print)  Lindy L. Garrison  SHARLA K. MEESTER	Address & Phone 2455 City View Cf. 485-9253 4234 N. 25 * St. 476-3756	Signature Cindiy L. Garrison Shorla K. Muster
Therese Vuburi	4230 N. 25th strager 476-4909	_
Mike Foote	4150N75 438-9891	Wil for
Due Bass	2450 Northine	Lue Bass
Jou Dougou	438.8645 1457 CITY WOW CT 142 5332	Sue Bass Ja Sk
DON DAVIS	4124 NI 25th	Don Davis
Aaron Schuman	2424 Dodge	a Sel-
Trees Hinn	2454 Northeme Ct 890-2035	Teught
Ben Anti	3454 Northeric Co. 840-2035	Bullin - 063

We, the undersigned, are in support of preserving existing low-density residential development due to our concerns about potential parking, traffic congestion, and the quality of the neighborhood. We are in favor of changing the existing zoning of R-4 [which allows apartment complexes] back to its original zoning of R-2 [single or two-family dwellings]. Property's location: generally located at North 24th between Superior & Dodge Streets. { Legal description: Lot 1, Block 1, Northview 4th Addition and the vacated Timothy Court, all located in section 12, T10, R6E.}

Name (print)	Address & Phone	Signature
Theresa Thompson	2320 Dedge St. Lincoln NE 477-817	Theresa Thompson
NANCY SPILMAN	Lincoln NE 477-817 2321 DODGE ST.	U
Ardellettolltorf	2325 Dodge	Manay Delwar Chara the lost
Bernie Bula	2324 Dodge St.	Houttowe RADR
	2401 Dolge	Berniff Beals Wanda Ryla
Wanda Kylia	2400 Dodge	Wanda Tyla
Men A. Camon	2435 Dodge	Loren M. Damon William C. Bozo
William C. Rosa	3430 Dodge	A A . •
Brenda Anderson	2431 Dodge	Brenda Anderson
Lonette Metcalf	2420 Dodge	South Metcal
Sarah Leuschen	2334 Dodge 2330 Dodge	Mr. Klasy
Kirstin MULOUS	2440 Dodge	Lack Hille
Kathi Tiede LARRY tetenson	2444 Dedge	pay 1 064
William 1 AGIGIOSONO	,	TWI 1004

Jean L Walker 06/30/2003 08:33 AM ITEM NO. 3.1: CHANGE OF ZONE NO. 3413
(p.101 - Public Hearing - 7/09/03)
cc: Planning Commission

Dennis Bartels, Brian Carstens

To: "Chris Gress" <cgress@alltel.net> Rick Peo, Carol Brown, cc: Marvin S Krout/Notes@Notes, Ray F Hill/Notes@Notes, Rebecca D Homer/Notes@Notes, BCandAssoc@aol.com, droper@netinfo.ci.lincoln.ne.us@Notes, rpeo@netinfo.ci.lincoln.ne.us@Notes, Joan E Ross/Notes@Notes, carolserv@hotmall.com, jcjc@navix.net, sduvall@neded.org, schwinn.hm@prodigy.net, csteward1@unl.edu, giims@radiks.net, Jean L Walker/Notes@Notes, gdkrieser@yahoo.com, mbills@woodsbros.com, roger.larson@wellsfargo.com, (bcc: Jean L Walker/Notes)

Subject: Re: Special Permit NO 2014 (Proposed North View Villas) South of Superior Street and West of N27 Street. ☐

Thank you for your comments. A copy will be distributed to the Planning Commission prior to the public hearing on Change of Zone No. 3413 from R-4 to R-2, which is scheduled for July 9th at 1:00 p.m.

In reference to Special Permit No. 2014 by Marty Fortney, which is scheduled for Council hearing on July 7th, a special permit is a resolution adopted by the City Council. It was not a special request by the applicant to have action the same day as the hearing. It is the policy of the City Council to have second and third reading (public hearing and vote) on resolutions at the same meeting; however, they can vote to defer taking action until the next meeting or a later date.

If you have any questions or if we can be of any further assistance, please feel free to contact me.

--Jean Walker, Administrative Officer City-County Planning Department 441-6365 "Chris Gress" <cgress@alltel.net>



"Chris Gress" <cgress@alltel.net> 06/28/2003 01:51 PM

To: <jwalker@ci.lincoln.ne.us>

CC:

Subject: Special Permit NO 2014 ( Proposed North View Villas ) South of Superior Street and West of N27 Street.

Dear Jean Walker.

Below is a letter I would like you to read. I sent this letter to the City Council, just yesterday. It explains the importants of re-zoning the area back to R2. Please ensure this letter is shown to the Planning Commission. Thank You.

We just called the City Council office a few days ago and found out Marty Fortney has made a special

request to have a vote taken on special permit 2014 the same day as the public testimony, consiquently they will vote the 7th. This of course is 2 days

before the Landon and Regalton Associations go to the Planning Commison to ask for the down zoning action of

R2 for the area referred to in Special Permit NO 2014. So we will present testimony at the city council on the 7th a

request that they hold off voting until we get a chance to go before the Planning Commison.

If you have any questions you can email me at cgress@alltel.net or call Chris Gress at 479-1664

at work or 438-1254 home in the evenings. Thank you for your support on this matter.

Best Regards, Chris Gress

I am a property owner in the Regalton Residential Association, who has received notification from the city that the Regal Builders will now bring its proposal of the "condo apt complex" Special Permit NO 2014 to the City Council for approval vote by Mr. Marty Fortney, who has asked for a "special vote" from the city council on the "SAME DAY" as its public hearing! He is trying to do this before July 9th, when we meet with the Planning Commission.. The Planning Commission is considering refusing the Special Permit NO 2014 North View Villas Plan.

I asked the City Council to postpone this vote until all of the citizens of the affected area are allowed to be heard, and the Planning Commission is allowed to complete their interaction with the citizens of the affected area!

We will be composing a letter from the Landon Association and the Regalton Association Members and to be signed before and taken to the June 30th City Council meeting.

This Special Permit NO 2014 has been promoted by Mr Marty Fortney of Regal Builders as affordable housing. When in reality, these properties will be bought up by real estate investors (like me) and the majority of them will turn into rental properties. Affordable housing for landlords but not for private individuals or families. Marty has told me directly, he has already been approached by an investor to buy one whole multi-unit complex, to be used as a rental property... I had a personal meeting with Mr Fortney. when I expressed my objection to the change from the assisted living planned for the area. You see, Marty Fortney sold me 6 townhomes for rental properties in Regalton, and I was told the area next to regalton (the area now in question) was planned for assisted living, which convinced me Regalton was a good location to purchase and operate some high quality rental properties. I spent \$708,596,00 purchasing high quality rental properties, their addresses are: 4160 N25, 4164 N25, 4200 N25, 4204 N25, 2331 Dodge, and 2335 Dodge. And WE don't need any more congestion at that 24th street and Superior Streets area. The Campbell school traffic is already mind numbing, trying to move thru that traffic is already a problem. Some of my renters are already complaining to me about the traffic/school traffic in the area. The Planning Commission is not in favor of changing the area plan to a 61 units as the Special Permit NO 2014 proposes. If Special Permit NO2014 goes thru, I will likely sell the six town homes in Regalton, (do an IRS1031 exchange) and buy a whole complex from Regal Builders in the proposed area as a rental property. I will have to, the cost of the current properties I have there in Regalton are ~\$40,000.00 more per property than the proposed Special Permit NO2014 properties will be. SO, I can tell you with no question in my mind, if Mr Fortney's proposal goes thru, the complexes will turn into rental properties, not affordable housing for individuals, single parent families or families starting out.

The Landon Neighbors & Regalton neighbors are pursuing downzoning from R4 to R2 in the North View Villas Plan. Regalton neighbors' position is that we were told at the time that we bought our town homes that, that area was to be a assisted living complex (this was a BIG selling point for me to buy our homes). From what I understand the area in question initially was zoned R2, then later changed to R3/R4 while the local residence did not understand what that change could lead too, and now we know

and that is why the Regalton Neighborhood Association and the Landon Neighborhood Association are pursuing taking the zoning back to R2.

If you have any questions you can email me at <a href="mailto:cgress@alltel.net">cgress@alltel.net</a> or call Chris Gress at 479-1664 at work or 438-1254 home in the evenings.

Thank you for your consideration on this matter.

Best Regards, Chris Gress

## IN OPPOSITION

ITEM NO. 3.1: CHANGE OF ZONE NO. 3413

(p.101 -Public Hearing- 7/09/03)

cc: Planning Commission

To: <plan@ci.lincoln.ne.us>

Dennis Bartels Rick Peo

Rick

cc: Subject: Zoning change

Carol Brown

To whom it may concern:

"Yvonne Cocchi"

<ycocchi@charter.net>

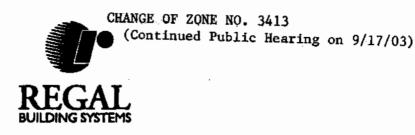
06/30/2003 06:59 PM

I am completely opposed to any zoning change at N. 24th Street & Superior Street that would alter the original plan of R-4.

Thank you,

Yvonne Cocchi POB 1734 Estes Park, CO 80517

970-586-3189



## 2810 PARK BLVD ·LINCOLN, NE 68502-3333 ·PHONE (402) 435-3550 ·FAX (402) 435-5070 E-MAIL: rbs@regatbuildingsystems.com

August 8, 2003

Commissioner Mary F. Bills-Strand City County Planning Department 555 South 10<sup>th</sup> Street Lincoln, NE 68508

RE: Northview Zone Change

Dear Commissioner Bills-Strand:

It is my intention to resolve this zone change with professional communication and rebuild a lost trust with the surrounding neighbors.

My proposed change came with heavy consideration on the best use for the property. Ultimately, having 188 units of senior housing would be the best financial option, but having a half-full facility would be good for no one. Obviously, it would be ridiculous if I asked you as a governing body to guarantee that you would not allow any other senior housing in town to compete with mine until it was successfully filled. I don't believe there is any way to ultimately control the market place. My change was not a knee jerk reaction to the market conditions. Addressing Mr. Carlson's motion to deny and stepping back to review options has been done and will continue.

The neighbors will support a 0-3 zone change because they want a quiet neighbor. The 0-3 zone typically offers this and not much activity on the weekend. However, this inflates the traffic problem. The trade off for a 0-3 zone with traffic signal for a quieter neighbor is worth it to the neighbors. Randy, from traffic, indicated the pitfalls of the traffic signal and the traffic buildup with 0-3 park. One of the biggest concerns for the neighbors is the installation timing of the traffic signal. Randy indicated that the area, when fully developed, would warrant a traffic signal with a minimum of 105 cars in a peak hour. Simply waiting until the area is developed will not work for the neighbors and will not work for me in marketing a 0-3 office park.

There were numerous comments as a whole on the traffic problems that exist now in this neighborhood and it's likely to get worse in the future. I am asking for your direct attention to these traffic concerns before we come forward with another option. Simply stating you need to check into it or do another study won't resolve the issue at hand. I have visited many times with the neighbors to ensure good communication and to rebuild trust. In doing so, I learned first hand that their concerns on traffic and safety are of the utmost importance and need to be addressed before anyone can move forward on another land proposal.

The neighbors and I would like the traffic signal approved and installed in 2004. I volunteered to assist with putting the money together to pay for the signal. The neighbors are currently preparing a petition drive for concerned citizens in the area.

Page 2

August 8, 2003

This is my first full engagement in land planning and working through the city land zoning system. I have taken your concerns about lack of communication and trust to the neighbors very seriously. As a result, you and I will soon see the benefit in working through a solution to satisfy all concerned. I have included below a communication log for your review. I am asking for input from you as to what I may do differently or better in the reformulation of the land use.

Highest Regards

Marty Fortney

### COMMUNICATION LOG:

15 July - Met with Regalton people who were opposed

16 July - Mailed note to Sheila, Chris, Kerry, C.L., Marta, Kathy

17 July - Regalton General Association meeting

17 July - Talked to Carol Brown - she wants to meet Thursday, 7:00 at her house

24 July - Met with Marvin K. & Becky H. - of City Planning

24 July - Met with neighborhood at Carol Brown's house

25 July - Talked to Rob Hackwith (Landon's Board Member) about last night

25 July – Mailed to all the results from Brown meeting on 24 July & announced a meeting for next Wednesday, 30 July, at Campbell school

30 July - Met with neighbors at Campbell school

30 July – Met with Carol Brown, Sheila Damon and others after meeting, on traffic signal funding.

04 Aug - Mailed to all results of meeting at school.

Cc:

Mark Hunzeker

**Brian Carstens**